

1 SUPREME COURT OF THE STATE OF NEW YORK

2 COUNTY OF NEW YORK

3 -----x

4 ALM UNLIMITED, INC., as Successor-in-interest

5 to A.L.M. INTERNATIONAL CORP.,

6 Plaintiff,

7 -against-

8 DONALD J. TRUMP,

9 Defendant.

10 -----x

11 EXAMINATION BEFORE TRIAL of

12 Plaintiff, by MARK HAGER, taken by the Defendant,

13 pursuant to Notice, held at the offices of Belkin

14 Burden Wenig & Goldman, L.L.P., 270 Madison

15 Avenue, New York, New York, on Thursday, March 3,

16 2011, at 10:17 o'clock a.m., before Deborah

17 Moschitto, a Shorthand Reporter and Notary Public

18 of the State of New York.

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A P P E A R A N C E S :

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BY: JEFFREY L. GOLDMAN, ESQ.

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STIPULATIONS

IT IS HEREBY STIPULATED, by and between the attorneys for the respective parties hereto, that:

All rights provided by the C.P.L.R., and Part 221 of the Uniform Rules for the Conduct of Depositions, including the right to object to any question, except as to form, or to move to strike any testimony at the examination is reserved; and in addition, the failure to object to any question or to move to strike any testimony at this examination shall not be a bar or waiver to make such motion at, and is reserved to, the trial of this action.

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The filing of the original of
this deposition is waived.

IT IS FURTHER STIPULATED a copy
of this examination shall be furnished to the
attorney for the witness being examined
without charge.

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M A R K H A G E R, the witness herein,
having been duly affirmed by Deborah
Moschitto, a Notary Public in and for the
State of New York, was examined and
testified as follows:

EXAMINATION BY

MR. GOLDMAN:

Q. Would you please state your name
and address for the record?

A. Mark Hager; 2302 Avenue J,
Brooklyn, New York 11210.

Q. Mr. Hager, as we just spoke, I'm
Jeff Goldman. I am going to ask you
questions regarding the litigation that you
have against, or your company has against my
client.

 If there is any question that I
ask you that you do not understand, please
tell me and I will be more than happy to
repeat it or rephrase it. Is that okay?

A. Yes.

Q. If you don't tell me that you
don't understand it, I am going to assume
that you understood it. Is that a fair

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assumption on my part?

A. Yes, yes.

Q. If you want to ask your attorney a question or take a break, you just have -- if I have asked you a question, you have to answer the question before you can speak with your attorney. Is that okay?

A. Yes.

Q. Before testifying this morning, did you look at any documents?

A. No.

Q. Now, if you could, tell me your educational experience following high school.

A. I went to Brooklyn College and then I went to Columbia Business School.

Q. And when did you graduate from Columbia?

A. I think '71 or '72.

Q. Was there a degree that you got, or a specialty?

A. Specialty marketing.

Q. Subsequent to your graduation at Columbia Business School, were you in the marketing field?

1

2 A. Yes.

3 Q. And when did you first enter that
4 field?5 A. Shortly thereafter graduating
6 business school.

7 Q. With what company?

8 A. It was a company, a subsidiary or
9 division of a company called Arnav
10 Industries.

11 Q. Can you spell that?

12 A. A-R-N-A-V.

13 Q. What did Arnav Industries do?

14 A. A clothing manufacturer.

15 Q. How long were you with Arnav
16 Industries, approximately?

17 A. About ten years.

18 Q. What was your position --
19 withdrawn.20 Did you have the same position
21 for that ten-year period?

22 A. No.

23 Q. What was your initial position
24 there?

25 A. I started as a salesman.

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Q. And?

A. And ended up as the president of the division.

Q. And before becoming -- how long were you the president before you left?

A. About five years, maybe a little longer.

Q. What was the nature of the business of Arnav Industries?

A. Clothing manufacturing.

Q. Were you involved in licensing in any way during that approximately ten-year period of time?

A. Yes.

Q. What was your experience as it relates to licensing when you were at Arnav Industries?

A. I was licensing different brands.

Q. What would be some of the brands that you were licensing?

A. I don't remember.

Q. And in that situation, you would pay for the name of or person X, and then you would manufacture clothing for that person

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under a license agreement?

A. Correct.

Q. Were there written license agreements during the period of time that you were working at Arnav Industries?

A. Correct.

Q. Who prepared those license agreements?

A. The lawyers.

Q. And were you somebody who signed those licensing agreements on behalf of Arnav Industries?

A. Yes.

Q. Could you approximate the number of licenses that you had while you were at Arnav Industries?

A. I think one or two.

Q. So in the ten years that you were involved at Arnav, your experience with licensing was just two licensing agreements?

A. Correct.

Q. Where did you go after Arnav Industries?

A. I started my own clothing

1

2 company.

3 Q. And what was the name of that?

4 A. It was A.L.M. International.

5 Q. And approximately what year was
6 that?

7 A. I think around -- around 1980.

8 Q. Were you the president at that
9 time?

10 A. Yes.

11 Q. Did you hold any other titles
12 other than president at that time?

13 A. No.

14 Q. Did you have any other officers
15 or directors, other than yourself, at that
16 time?

17 A. My wife and my CEO.

18 Q. Who was your CEO at that time?

19 A. Howard Weinreich.

20 Q. Can you spell that?

21 A. I am not sure about the spelling
22 but I would say W-E-I-N-R-E-I-C-H.23 Q. It's fair to say that he is not
24 currently the CEO?

25 A. Correct.

1

2 Q. Did you have any general counsel
3 at that time?

4 A. Yes.

5 Q. Who was employed by ALM?

6 A. Retained, not an employee of ALM,
7 but an outside counsel.

8 Q. It was outside counsel?

9 A. Yes.

10 Q. What was the nature of ALM
11 business in the early '80s?

12 A. Clothing, manufacturing and
13 importing.

14 Q. Did ALM manufacture clothing
15 under licenses?

16 A. Yes.

17 Q. Did it manufacture any clothing
18 without licenses?

19 A. Yes.

20 Q. From 1980 to twenty years later,
21 to 2000, how many license agreements would
22 you say ALM was involved in, in some
23 capacity?

24 A. I think about three.

25 Q. Do you recall, in 2000, what

1

2 those three license agreements were?

3

A. Not all of them. I remember one.

4

Q. Okay.

5

A. Vocal, with a rapper called

6

Nelly.

7

Q. Is that a license agreement that

8

ALM still has today?

9

A. No.

10

Q. When you entered into these

11

license agreements, who was the

12

responsible -- we are talking about the

13

three, the approximately three between 1980

14

and 2000, who was the person at your company

15

that would be responsible for negotiating the

16

license agreement?

17

A. It was either myself,

18

predominantly myself and Howard, my CEO.

19

Q. At that time, did you have

20

in-house legal counsel?

21

A. No.

22

Q. Did you use outside legal

23

counsel?

24

A. Yes.

25

Q. And do you recall the name of the

1
2 attorney or law firm that you used in
3 connection with those three license
4 agreements?

5 A. I'm not sure.

6 Q. Who procured the license? If you
7 don't understand -- do you understand what I
8 mean by that?

9 A. I am not sure.

10 Q. Who reached out to -- we will use
11 Nelly. Who reached out to Nelly to obtain
12 his license?

13 A. We got a lead that he is hot and
14 one way or another we got to him.

15 Q. Now, when you say "we," you mean
16 ALM?

17 A. Yeah.

18 Q. Did you use a broker to obtain
19 that license, or did ALM reach out on its
20 own?

21 A. We used different people. It
22 could be one or more than one, to reach him.

23 Q. And do you recall the names of
24 the people or the names of the company that
25 you used to reach out to Nelly?

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2 A. I don't recall the name, but I
3 remember a person's name, who is in the
4 entertainment business, a big executive who
5 had a big Rolodex and he somehow got to Nelly
6 and facilitated the deal.

7 Q. Did you have any written
8 agreement between -- withdrawn.

9 When I say "you," unless I say
10 otherwise, it's going to be ALM.

11 A. Yeah.

12 Q. I just want do that for the
13 record so there is no confusion.

14 A. Sure, sure.

15 Q. Did you have any written
16 agreement with this executive or any broker
17 in connection with the procuring of a
18 license, whether it's from Nelly or
19 otherwise?

20 A. To the best of my recollection,
21 yes.

22 Q. Who prepared the -- I will call
23 it the broker agreement?

24 A. I don't recall.

25 Q. But who would have executed the

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broker agreement on behalf of ALM?

A. When you say -- I'm not sure I understand the question. The executed, I don't understand.

Q. Signed. I apologize. Who would have signed the written document that authorized the broker to reach out to the licensor?

A. Again, I am not sure. Are you saying who authorized that person to reach out to Nelly; is that what you are saying?

Q. That's not what I am saying, but that's a good question. Who authorized that person to reach out to Nelly?

A. Well, we got in touch with him.

Q. You got in touch with that person?

A. Yes. When I say "we," maybe not me personally, but ALM.

Q. Let me get a little clarity. Was there a written document that authorized -- withdrawn.

Was there a written agreement between ALM and this person giving him the

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authority to reach out to Nelly?

A. No. To the best of my recollection, no. It was a verbal.

Q. Was there a commission agreement executed between ALM and this person in the event that you successfully obtained the rights to the Nelly license?

A. To the best of my recollection, yes.

Q. I am going to call that a broker's agreement, okay?

Who would have prepared that broker's agreement?

A. To the best of my recollection, since he was introduced to me or to us by a friend, it was done without a lawyer. It was a piece of paper, if XYZ happens, ABC will happen.

Q. And part of the ABC happening would be there would be a commission of some sort to be paid to the broker?

A. Yes, sir.

Q. Now, between 2000 and 2003, before any involvement with my client, had

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you entered into any license agreements,
other than the Nelly license agreement and
the one or two that preceded that?

A. I don't recall right now.

Q. Is there anything that would
refresh your recollection, whether or not
there was any license agreements subsequent
to the Nelly agreement and before the Trump
agreement?

A. Maybe, but not this very second.

Q. We will leave a blank in the
transcript. When you have an opportunity to
review the transcript, if something comes to
mind, you will insert that?

A. Sure.

MR. ITKOWITZ: We will take it
under advisement.

THE WITNESS: We will take it
under advisement.

MR. ITKOWITZ: That's my job.

THE WITNESS: I am sorry. I
wasn't sure he heard you.

INSERT:

Q. Between 2003 and the present,

1

2 have you entered into any license agreements
3 other than with Mr. Trump?

4

A. No -- correction. To the best of
5 my recollection, no. I am not sure.

6

Q. Well, as we sit here today, are
7 there any license agreements between ALM and
8 any other company or individuals?

9

A. The reason I'm not sure is
10 because I have entered similar deals. I
11 don't know if it was a joint venture or a
12 licensing deal.

13

Q. And when you say --

14

A. And I don't know if it was under
15 ALM or Mark Hager, these type of things. But
16 there was a particular case I remember, but I
17 don't know under what it will fall, where I
18 did a deal with Ashton Kutcher.

19

Q. Was ALM involved in that deal?

20

A. Again, I don't recall if it was
21 ALM, as I said before, or Mark Hager, or
22 another entity where I was the principal
23 player.

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MR. ITKOWITZ: This is an

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indication where you are volunteering, but I

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will let it go. It's okay.

Q. Did you enter into license --
when I say "you," I mean, Mr. Hager, you,
were you, Mr. Hager, involved in license
agreements separate and apart from
A.L.M. International or ALM Unlimited?

A. I don't -- as I said before, I
don't know if it was ALM or Mark Hager or
another entity, but I was a player, a
principal player in the deal for the deal
with Ashton Kutcher. I don't recall if it
was -- as I said before, if it was a
licensing deal or a joint venture or
something like that.

Q. Is that deal still in effect
today?

A. No.

Q. What was -- to the best of your
recollection, what was the nature of the deal
with Ashton Kutcher?

A. Where he will basically help
promote the brand.

Q. And what brand would that be?

A. It was a brand called Rebel Yell.

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2 Q. And Rebel Yell was a brand that
3 you were going to manufacture?

4

A. No, that I am going to -- I was
5 going to invest in that company.

6

Q. And that Rebel Yell was a company
7 that makes clothes?

8

A. Yes.

9

Q. And they were going to use Ashton
10 Kutcher's name in some fashion to promote its
11 clothing line?

12

A. Correct, to promote their
13 clothing line.

14

Q. To promote Rebel Yell's clothing
15 line?

16

A. Correct.

17

Q. Of which you were going to be an
18 investor?

19

A. Correct.

20

Q. Did that ever come to fruition?

21

A. Yes.

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Q. Is that deal still in effect?

23

A. No.

24

Q. When did that relationship
25 terminate?

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2 A. I don't recall.

2

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Q. Was it within the last two years?

4

A. Before that.

5

Q. Was it after 2001?

6

A. Yes.

7

Q. Did ALM have any experience --

8

prior to 2003, did ALM have any experience

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prior to 2003 in being a broker for a

10

licensor? If you don't understand my

11

question, tell me.

12

A. I understand. I don't recall.

13

Q. Well, prior to 2003, was ALM or

14

you ever involved in any agreement in which

15

ALM or you was a broker on behalf of a

16

licensor?

17

A. Again, I don't recall.

18

Q. So there is a possibility that

19

you were a broker?

20

MR. ITKOWITZ: Anything is

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possible.

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MR. GOLDMAN: Okay. You object

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to the form of the question?

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MR. ITKOWITZ: Yes, I do.

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Q. You have no recollection as to

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whether or not you had ever been a broker for
a licensor before 2003?

A. That's a fair description.

Q. And tell me how, in your words,
how did you get, "you" being either you
individually or ALM, how did you get
introduced to Trump that gave rise to the
September 2003 Memo of Understanding?

A. Through a lawyer.

Q. And who was the lawyer?

A. David Scharf.

Q. And who -- what was your
relationship to Mr. Scharf?

A. I was friendly with him.

Q. Personal friends?

A. Personal friends.

Q. Or business friends?

A. No, personal friends.

Q. Mr. Scharf gave the introduction
to Mr. Trump?

A. I asked him to, yeah.

Q. What did you ask him? Where did
this occur?

A. I asked him to introduce me to

1

2 Donald Trump, because I had an idea, I don't
3 remember exactly what the idea was, and he
4 arranged a meeting. And on the way to the
5 meeting, David Scharf told me Donald Trump is
6 not interested in that but is interested in
7 something else.

8 MR. ITKOWITZ: Let me just make
9 something -- clarify something for the
10 record. Was Mr. Scharf acting as your
11 attorney.

12 THE WITNESS: In the Donald Trump
13 deal?

14 MR. ITKOWITZ: Yes.

15 THE WITNESS: Yes.

16 MR. ITKOWITZ: Arranging for this
17 introduction.

18 THE WITNESS: I don't know if --
19 probably, yeah, I think so. I'm not sure
20 exactly, but I would say yes.

21 MR. ITKOWITZ: He has given his
22 answer. I can't undo it, but...

23 MR. GOLDMAN: Okay.

24 Q. Did you know, before speaking to
25 Mr. Scharf, whether or not Mr. Scharf had any

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relationship with Mr. Trump?

A. Yes.

Q. And --

THE WITNESS: I am assuming you will allow me to answer?

MR. ITKOWITZ: If I object, you will hear it.

THE WITNESS: Okay.

Q. Before speaking with Mr. Scharf about your idea, what was your understanding of Mr. Scharf's relationship to Mr. Trump?

A. I understood that he was -- he knew Donald Trump as a lawyer. I think he was one of his lawyers and he had a good relationship with him and that's it.

Q. What was the idea that you understood the meeting to be with Mr. Trump?

A. I really don't recall. The original meeting that I set up?

Q. Not the idea that you had come up with to pitch, but what the idea was that Mr. Trump had conveyed as to being the reason for the meeting?

THE WITNESS: Could I answer it?

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MR. ITKOWITZ: To the extent that
it's not based on an attorney-client
conversation.

MR. GOLDMAN: I don't think this
was an attorney-client. This was a friend, a
mutual friend who he saw as a -- I am sure
later he may have --

MR. ITKOWITZ: Let me have a word
with him about it.

MR. GOLDMAN: Okay.

MR. ITKOWITZ: Or I will do it on
the record.

MR. GOLDMAN: Okay.

MR. ITKOWITZ: Did he, did David
Scharf, act as your attorney in this
transaction with Mr. Trump, or did he give
you legal advice in connection with this
transaction?

THE WITNESS: This is off the
record, on the record?

MR. GOLDMAN: It's on the record,
it's okay.

THE WITNESS: If there would be a
deal, he would be my lawyer.

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MR. GOLDMAN: So when we get to the point of what he spoke to him about as far as preparing documents and all, I understand that that would be privileged.

MR. ITKOWITZ: It's kind of a little bit of a difficult area and I am not trying to be difficult.

MR. GOLDMAN: I don't think he is going to reveal -- all I am asking for is what he believed, the reason he believed he was meeting Mr. Trump.

MR. ITKOWITZ: Okay.

Q. What was your understanding of what Mr. Trump wanted in the meeting with you?

A. Okay. He was interested in licensing his name in the clothing business.

Q. Okay. And that wasn't the idea that you had thought of?

A. No.

Q. Prior to meeting with Mr. Trump, did you have any experience in representing a licensor for that purpose?

A. I am not sure I understand the

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question.

Q. Okay. The meeting was going to be because Mr. Trump wanted to license his name in the clothing business. What was ALM -- therefore, you were going to meet with him. What was your understanding of what ALM was going to do for him?

A. Find the right licensees to put his name.

Q. Using your words, then, did ALM have any experience finding the right licensees for other license sources?

A. Yes.

Q. What was ALM's experience in trying to find the right licensees for other license sources?

A. We had extremely good relationship, direct and indirect, to many of the players in the clothing business and in the fashion business.

Q. My question was, other than having good relationships with the players in the clothing and the fashion business, did you have any experience, prior to the meeting

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with Mr. Trump, in trying to find the right licensees for some other licensor in the past?

A. I made introductions in many cases, but for no financial purpose.

Q. And when you say you made introductions in the past, a licensor reached out to you or your company and said: Hey, do you know company X or so, can you put in a word for me?

A. Yes.

Q. But there were no formal arrangements in connection with that?

A. Correct.

Q. So what ultimately became the relationship you had with Mr. Trump then was the first time that kind of relationship was put into writing?

A. To the best of my recollection, yes.

Q. In 2003, can you tell me, other than yourself, who were the other officers and directors of ALM Unlimited or A.L.M. International?

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A. Myself, my CEO.

2

3

Q. And who was your CEO?

4

A. I told you before, Howard

5

Weinreich.

6

Q. He still is your CEO?

7

A. No. You are talking about today

8

or --

9

Q. I apologize. I am talking about

10

2003. He was still the CEO in 2003?

11

A. Yes.

12

Q. Who else?

13

A. I guess my wife.

14

Q. Did you have any employees in --

15

before September of 2003?

16

A. Sure.

17

Q. Did you have any employees in

18

2003?

19

A. Yes.

20

Q. Who were some of the employees?

21

A. I don't remember, offhand.

22

Q. Approximately how many employees

23

did you have in 2003 in your company?

24

A. More than ten, I think.

25

Q. Now, you're familiar with

1

2 Mr. Danzer, Jeff Danzer?

3

A. Yes.

4

Q. In 2003, who was Mr. Danzer --

5

withdrawn.

6

In 2003, what, if any,

7

relationship did Mr. Danzer have to ALM in

8

this matter?

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A. Jeff Danzer came with an

10

extensive background of building brands, I

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believe an extensive experience -- strike

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that. I am not sure, but he had an extensive

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expertise in building brands.

14

Q. My question was not his

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experience.

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A. I'm sorry.

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Q. That's okay. I will get to that.

18

My question was: What

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relationship did he have to ALM?

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A. His primary purpose was to

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facilitate finding the licensees for Donald

22

Trump.

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Q. Was he employed by ALM?

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A. Yes.

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Q. Did he receive -- withdrawn.

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When did he first become employed

3

by ALM?

4

A. I don't recall.

5

Q. Was it before or after your

6

meeting, your first meeting, with Mr. Trump?

7

A. I really don't recall.

8

Q. You would have records?

9

A. I could.

10

Q. If we leave a blank, could you

11

please indicate when Mr. Danzer first became

12

employed at ALM?

13

A. I will have to --

14

MR. ITKOWITZ: If you can

15

remember.

16

THE WITNESS: I am not taking

17

notes.

18

MR. GOLDMAN: We will have a

19

transcript that will tell you what you have

20

to put in.

21

MR. ITKOWITZ: We will take it

22

under advisement.

23

INSERT:

24

Q. When you say -- do you know

25

whether or not he was employed before you

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signed the Memorandum of Understanding in
September 2003?

A. I don't recall.

Q. Is he still employed by ALM?

A. No.

Q. When did his employment
terminate?

A. I don't recall.

Q. Was it this year, in 2011?

A. No.

Q. Was it in 2010, which was just
last year?

A. No, before that.

Q. You started this lawsuit in 2008,
to give you some perspective of time. Was he
terminated or did he leave prior to the
commencement of the lawsuit?

A. I really don't recall.

Q. But do you have records that
would indicate when he left?

A. Probably.

Q. We will leave a blank. If you
can, fill in both when he started and when he
left?

1

2 INSERT:

3 Q. Do you know where he currently
4 is?

5 A. No.

6 Q. When was the last time you spoke
7 with him?

8 A. A few weeks ago.

9 Q. Does ALM have a business
10 relationship in any way with him?

11 A. No.

12 Q. Do you have a social relationship
13 with him?

14 A. Define "social."

15 Q. Friends, non business.

16 A. Meaning if I call him from time
17 to time to say hello to him?

18 Q. Yes.

19 A. Yes. Very infrequent.

20 Q. What was the reason you spoke a
21 few weeks ago?22 A. Basically I asked him -- I
23 invested in different companies and if there
24 is a company that I feel that he could give
25 me his input, I ask him his opinion.

1

2 Q. But ALM, or you individually, or
3 you in some other corporate capacity, have
4 not entered into any agreements with him
5 subsequent to his leaving the company?

6

A. After leaving?

7

Q. Yes.

8

A. No.

9

Q. Did he voluntarily leave or did
10 you ask him to leave?

11

A. I don't recall.

12

Q. Now, you said it was your
13 understanding that Mr. -- withdrawn.

14

Was Mr. Danzer responsible for
15 what I will -- for the lack of better use of
16 words -- promoting the Trump brand?

17

A. Primarily, yes.

18

Q. Other than Mr. Danzer, was
19 anybody else responsible at ALM for promoting
20 the Trump brand?

21

A. No, except me -- no, him.

22

Q. What was your understanding of
23 his extensive experience in building brands
24 that you had described?

25

A. I recall one brand, underwear

1

2 brand, where he built that brand from
3 scratch. I think the brand was called
4 2 Xist, number 2, and X-I-S-T, something like
5 that. I am not sure if I am spelling it
6 right.

7 Q. Do you know what Alpha, A-L-P-H-A
8 hyphen Q.com is?

9 A. It rings a bell. I don't recall
10 what it was.

11 Q. In some of the documents that you
12 introduced there were e-mails from Mr. Danzer
13 and that was his e-mail address when he was
14 e-mailing you or on behalf of ALM. Does that
15 refresh your memory as to what that was?

16 A. I remember something with alpha.
17 I don't remember exactly.

18 Q. Okay. Where is your corporate
19 office located?

20 A. It was located in mid Manhattan,
21 in the Garment Center.

22 Q. Was it located there in the year
23 2003?

24 A. Yes.

25 Q. Was it -- is it still located

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there?

A. No.

Q. When did the location change?

A. I don't remember, but a few years after that.

Q. Did Mr. Danzer operate out of that location?

A. In the Garment Center?

Q. The location of your offices in the Garment Center.

A. Yes.

Q. That was his base of operation?

A. Yes.

Q. He had an office there?

A. Yes, in my -- in our office, in the ALM?

Q. Yes, in the ALM office?

A. Yes.

Q. And he had use of ALM e-mails?

A. Sure.

Q. Did he also -- in addition to his employment with ALM, was he employed with other companies, either competitors of yours or his own deals? Do you understand what I

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mean by that question?

A. While he was working for us?

Q. Yes, sir, while he was working
for you.

A. I don't think so.

Q. As far as you know?

A. As far as I know.

Q. When he was employed by ALM, his
responsibilities and duties was a full-time
job with ALM?

A. Substantially, yeah.

Q. Now, the documents that you
produced and provided through your attorney to
me, those are fair and accurate copies of the
original documents that you had in your
possession?

A. Yes.

Q. Were either yourself or ALM
involved in any litigation, other than this
litigation, within the last ten years?

A. We were involved in a litigation.
I don't remember what year, so it could be
more than ten years ago or not.

Q. Where was the litigation?

1

2 A. Where it was?

3 Q. Yes.

4 A. In the court system.

5 Q. It was a bad question.

6 A. Okay.

7 MR. ITKOWITZ: You will never
8 have a lawyer say he asked a bad question.9 Q. Was it in the New York Court
10 System?11 A. The tri-state, meaning Brooklyn,
12 New York is the same?13 Q. Okay, Brooklyn and New York is
14 the same.

15 A. Federal or State.

16 Q. Do you recall the nature of the
17 lawsuit?

18 A. Yes.

19 Q. Generally speaking, what was the
20 nature of the lawsuit?21 A. One of my ex employees sued me,
22 that I promised him 50 percent of the
23 company.24 Q. Was that lawsuit either settled
25 or did it come to a final determination?

1

A. At the end it was settled.

2

3

Q. Did you ever testify in that lawsuit before a judge and/or jury?

4

5

A. Yes.

6

Q. Did you ever give deposition testimony in that lawsuit? When I say "deposition testimony," like what we're doing here today.

7

8

9

10

A. I don't recall.

11

Q. So let's go back if we can to the meeting, the first meeting that you had with Mr. Trump.

12

13

14

Using the September 2003 Memorandum of Understanding as a time frame, which is when it was signed, when, if you can -- tell me did you meet with that initial meeting with Mr. Trump?

15

16

17

18

19

A. Yes.

20

Q. What time in 2003 did that occur?

21

A. I don't remember, but before September '03.

22

23

Q. Was it six months before September of '03, was it one week before you signed the Memo of Understanding?

24

25

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2 A. It was less than six months, to
3 the best of my recollection.

4 Q. And do you recall approximately
5 how long the meeting was?

6 A. No.

7 Q. Do you recall, other than
8 yourself and Mr. Trump, who else attended the
9 meeting?

10 A. No.

11 Q. Was Mr. Scharf there?

12 A. To the best of my recollection,
13 yes.

14 Q. Was George Ross there?

15 A. I don't remember.

16 Q. So to the best of your
17 recollection, it was yourself, Mr. Scharf and
18 Mr. Trump and nobody else?

19 A. I didn't say that. Those are the
20 people that I remember distinctly. There
21 could be -- there was at least one more
22 person from my company. I just don't
23 remember who it was.

24 Q. Okay. Other than yourself and
25 somebody else from your company, Mr. Scharf

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and Mr. Trump, do you recall there being any other people present?

A. Could very well be. I don't recall.

Q. Was Mr. Danzer present?

A. I don't recall.

Q. Was he the person from the other company, from your company -- you just said there was another person from your company?

A. No.

Q. It wasn't Mr. Danzer?

A. I am almost sure it was not.

Q. And did there come a time that you met with Mr. Trump again before signing the September 25, 2003 Memo of Understanding?

A. I don't recall.

Q. What was your understanding after you left the meeting, that initial meeting with Mr. Trump, what was your understanding as to what would occur next?

A. Donald Trump was very excited and he gave the green light for the lawyers, for David Scharf to speak to whoever it is and said, "Let's make it happen."

1

2 Q. Do you know who the lawyer was
3 for Mr. Trump?

4

MR. ITKOWITZ: You can't shake
5 your head?

6

A. I'm sorry.

7

MR. ITKOWITZ: You have to give
8 an audible answer.

9

A. I don't know.

10

MR. GOLDMAN: Why don't we mark,
11 as Defendant's A, the Amended Complaint.

12

(Amended Complaint marked

13

Defendant's Exhibit A for

14

identification.)

15

Q. I am going to direct your
16 attention in the Amended Complaint --

17

MR. ITKOWITZ: Which one are you
18 marking, ours or his?

19

MR. GOLDMAN: Mine.

20

Q. I am going to direct your
21 attention to what's Bates stamped 183 at the
22 bottom.

23

MR. ITKOWITZ: Unfortunately,
24 mine is not Bates stamped.

25

MR. GOLDMAN: It's the first

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exhibit.

MR. ITKOWITZ: Exhibit 1?

MR. GOLDMAN: Yes, sir.

MR. ITKOWITZ: The Memo of Understanding.

Q. In front of you is Exhibit 1 to the Amended Complaint, which is the Memorandum of Understanding. It's six pages. Do you see that? That's your signature on there?

A. I don't see a signature.

Q. Yes, there is a signature.

A. What page?

MR. ITKOWITZ: Page 5.

Q. I think if you turn it, you will see.

MR. ITKOWITZ: Page 5, page 4 -- there you go.

THE WITNESS: Yeah.

Q. That's your signature?

A. Yes.

Q. And you read the agreement before you signed it?

A. Yes.

1

2 Q. Do you know who prepared the
3 agreement?

4

A. I know that David Scharf was
5 involved with that.

6

MR. ITKOWITZ: Excuse me. Read
7 back that question.

8

Q. Do you know who prepared the
9 agreement?

10

MR. ITKOWITZ: Do you know who
11 prepared the agreement? Listen to the
12 question.

13

A. What does prepared mean?

14

MR. ITKOWITZ: Remember I said
15 don't volunteer.

16

THE WITNESS: Right.

17

MR. ITKOWITZ: If you don't
18 understand the question, tell him you don't
19 understand the question.

20

THE WITNESS: I normally
21 understand, but there is commotion.

22

Q. You say commotion because your
23 attorney caused a commotion?

24

A. He is a smart guy.

25

Q. So are you.

1

2 A. When you say prepared?

3

MR. ITKOWITZ: Who wrote it.

4

THE WITNESS: Who wrote the

5

language?

6

Q. Yes, who put the language on the

7

piece of paper?

8

A. David Scharf, maybe in

9

negotiation with the other lawyer. So the

10

answer is fine, no?

11

MR. ITKOWITZ: It is what it is.

12

A. But I didn't write it.

13

MR. ITKOWITZ: The question is

14

whether your lawyer wrote it or whether his

15

lawyer wrote that.

16

THE WITNESS: I won't know that.

17

Q. That wasn't my question. Your

18

answer is your answer.

19

MR. GOLDMAN: You could ask

20

questions when I am done. It's my

21

deposition.

22

MR. ITKOWITZ: I understand that.

23

THE WITNESS: This was given to

24

me by David Scharf after I made some

25

comments, it's okay. The language was given

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to me. The draft to sign at the end of the day was given to me by David Scharf.

MR. ITKOWITZ: That doesn't go to who prepared the document.

THE WITNESS: I am not sure I understand his question.

MR. GOLDMAN: I got enough answers from that question. I will move on.

Q. You commented on the drafts before it was signed?

A. I would assume so.

MR. ITKOWITZ: Don't assume. You either remember or you don't remember.

A. I don't recall.

MR. GOLDMAN: You are not allowed to instruct him like that.

MR. ITKOWITZ: Let's take a minute. Let's take a break. There is no pending question.

(Short recess taken.)

MR. GOLDMAN: Let's go back on the record.

Let the record reflect after speaking with your attorney, you want to

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correct, but go right ahead.

THE WITNESS: I do not know who prepared this agreement.

MR. GOLDMAN: The record will say what it says.

Q. But you did look at it before you signed it; correct?

A. Yes.

Q. And it does accurately reflect your understanding of what your agreement was with Mr. Trump?

A. Correct.

Q. And if it didn't, you would have told your attorney; isn't that true?

A. Correct.

Q. If you could, turn to the page prior -- it will be paragraph 3, which is the page prior to your signature.

A. Page 3; right?

Q. Yes.

A. Okay.

Q. The fourth line down where it says "Notwithstanding the foregoing," do you see that?

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A. Yeah.

2

3

Q. That was a provision that gave
you the right to receive a fee; is that
correct?

4

5

6

A. Let me read it.

7

Q. Sure. Please take your time.

8

A. It's written very small.

9

Q. Take your time. I got the same
small copy.

10

11

(Pause.)

12

A. Yeah.

13

Q. You read it? So that --

14

A. It wasn't easy to read. I got to
tell you I didn't see every word.

15

16

Q. Then I will wait until you --
maybe this is a cleaner copy. This is
another copy.

17

18

19

(Handing.)

20

A. Listen, I am not as young as you
are. I am not seeing it very clearly. I'm
sorry to tell you. If you can magnify it --

21

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23

Q. I could read it with my reading
glasses.

24

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A. I basically got the essence of

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it, but I am not going to tell you that I was able to read every word, as strange as it sounds.

Q. These are documents that are annexed to your papers. I am assuming when you signed the Complaint and your Affidavit in this case opposing dismissal, that --

A. If you want to give me five or ten minutes to read it again, I will read it to make sure.

Q. I would be more than happy to.

A. Fine.

MR. ITKOWITZ: What are you rereading?

THE WITNESS: This page, page 3, right, paragraph 3.

A. Is that the original size?

Q. Here is a copy that is annexed to your Affidavit, which is the same size.

MR. ITKOWITZ: Can you read that?

THE WITNESS: It's the same thing.

MR. ITKOWITZ: This looks a little cleaner.

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THE WITNESS: So let me read
that.

3

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MR. ITKOWITZ: Does that look a
little cleaner? I think it's a little
clearer.

5

6

7

THE WITNESS: Okay.

8

Q. Take your time.

9

(Pause.)

10

A. Okay.

11

Q. You read it?

12

A. Yeah.

13

Q. Okay.

14

A. This is yours?

15

Q. It's mine, I think. If you want
to use it because it's better than the other
one, please feel free.

16

17

18

Do you see where it says

19

"notwithstanding the foregoing"?

20

A. Could you tell me how many lines?

21

Q. Four lines from the top:

22

Notwithstanding the foregoing you have the
right to receive a fee; correct?

23

24

A. Yes.

25

Q. It says you get a fee for any

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renewal of an acceptable license; is that correct?

A. Correct.

Q. And that's your understanding of what the Memo of Understanding provided for?

A. This is the Memorandum of Understanding?

Q. Yes.

A. Yes.

Q. That was your understanding with Mr. Trump to be what the arrangement was going to be; correct?

A. Correct.

Q. If you look where it goes down to B, you were also entitled to a fee during the three-month period following the expiration of the exclusive period; they call it, I think, the tail period, right?

A. Yes.

Q. That was your understanding; correct?

A. Yes.

Q. It then goes on to say -- do you see where it says, below, follow B?

1

A. Tell me how many lines down.

2

3

Q. The fourth, "If during such
three-month period"?

4

5

A. Yes.

6

Q. Do you see where it says that?

7

A. Trump enters into such license?

8

Q. Yes.

9

A. Yes.

10

Q. If during that three-month period
Trump enters into any licenses, you are
entitled to a fee; is that correct?

11

12

13

A. Correct.

14

Q. And if you go down another three
lines where it says -- I am going to read it,
"If during such three-month period," do you
see where I am reading?

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A. Just tell me the line? What's
the word the line starts with?

19

20

Q. The fifth --

21

A. From the bottom?

22

Q. The bottom?

23

A. Yes.

24

Q. Seven from the bottom.

25

A. The line starts, "The exclusive

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period"?

Q. Yes.

A. Okay.

Q. "If during the three-month period, Trump enters into a post exclusive period license for the design" --

A. I don't see post -- yeah, yeah.

Q. -- "design manufacture and sale of high quality apparel, with a licensee" -- you see "With a licensee identified by ALM"?

A. Right.

Q. Right?

A. Right.

Q. Okay.

-- "identified by ALM to Trump during the exclusive period;" do you see that?

A. Yeah.

Q. Then you see where it says, "And with whom ALM had significant negotiations during the terms," do you see where it says that?

A. Yeah.

Q. What is your understanding of

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"significant negotiations"?

MR. ITKOWITZ: Objection to the form. It's calling for a legal conclusion.

Q. Okay. You could answer.

THE WITNESS: I could answer?

MR. ITKOWITZ: If I don't direct you not to answer it, you can answer it.

A. We introduced a party, a potential licensee, we started the discussion of the possibility of licensing Trump's name. He showed an interest. I would say that's the beginning.

Q. That would be a significant negotiation?

A. The beginning of a significant negotiation.

Q. And if there was no significant negotiation, then you would not be entitled to a fee; correct?

A. Correct.

Q. And if there were no negotiations, you wouldn't be entitled to a fee; correct?

A. Correct.

1

2 Q. And if there were no negotiations
3 and Trump finds somebody, would you be
4 entitled to a fee?

5 MR. ITKOWITZ: Objection. It
6 calls for a legal conclusion.

7 Q. I am asking -- okay, that's fine,
8 you can answer it. I disagree with you, but
9 okay?

10 A. Could you repeat the question?

11 Q. Sure. If there were no
12 negotiations and Trump finds somebody and
13 enters into a license agreement with some
14 company --

15 A. When did he find it?

16 Q. During the exclusive period.

17 MR. ITKOWITZ: You're asking him
18 a hypothetical question.

19 MR. GOLDMAN: I am asking him a
20 proper question. He signed -- I don't want
21 to argue with you, honestly, because I don't
22 think under the new rules it's a basis for
23 him not to answer.

24 I am asking him a question about
25 his understanding of an agreement that he

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signed, and under which he is making a claim
in his Affidavit and Complaint as to damages.
I don't think that's an improper question.

 You can object to the form, fair.
If I use it down the future, you will say my
question was a leading, mis-understandable,
legal conclusion.

 MR. ITKOWITZ: Calls for
speculation.

 MR. GOLDMAN: Calls for
speculation and every other conjecture.

 Q. Your understanding is, if there
were no other negotiations, you are not
entitled to a fee; correct?

 A. If he found --

 Q. Forget that.

 MR. ITKOWITZ: Answer the
question.

 A. Repeat the question again.

 Q. Absolutely. I am kind of
repeating myself so we are clear.

 If you were involved in
nonsignificant negotiations, you're not
entitled to a fee; is that clear?

1

2 A. If the license -- if this

3 memorandum expired?

4 Q. If the exclusive period expired,

5 we are now in the three-month tail period.

6 However, if during the exclusive period you

7 were involved in significant negotiations --

8 A. If I was involved?

9 Q. If you were -- you get a fee; is

10 that correct?

11 A. Correct.

12 Q. If you were not involved in

13 significant negotiations, you don't get a

14 fee; is that correct?

15 A. No, no.

16 Q. Under what circumstance would you

17 get a fee if you didn't have significant

18 negotiations?

19 A. I will answer.

20 Q. Okay.

21 A. To the best of my knowledge,

22 because this Memorandum was amended and I

23 don't remember now.

24 Q. Okay.

25 A. Let me finish.

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Q. Yes, absolutely.

A. I don't remember if the exclusivity we had was in the first agreement, let's call it the first agreement, or in the amended. But to the best of my knowledge, whether it was in this agreement or later on, he had the obligation not to go -- he had no right to negotiate with anyone during that exclusive period.

And if he had even a lead, if somebody called him, his obligation was to give it to us and for us to take it over from there.

Q. Fine. We are going to get to, let's call it, the second agreement. We will call it the extension, which is January of 2004. I am not asking you about that agreement.

A. But I don't remember, since I did not look at the agreement right now, and refresh my memory, I don't remember right now if we had exclusivity in this agreement or it was later on.

I believe -- you know, I take out

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the words "I believe." I don't recall. The bottom line is that we had exclusivity.

Q. I know you believe you do and that you had exclusivity you may or may not have had under some other agreement. My question is only under the agreement that you signed in September of 2003, September of 2003, that's all I'm talking about, not what happened later on. We are going to get to that very shortly as soon as we are done here.

A. Right; right.

Q. Under this agreement, not any modification, not any extension in any way, under this agreement, if there were nonsignificant negotiations, you would not be entitled to a fee?

A. If he did not approach or he was not approached by anybody else.

Q. If he was approached by somebody under this agreement, you would be entitled to a fee?

A. Yes.

Q. Where in this agreement -- if you

1

2 want you can look at it again, where in the
3 September 2003 agreement does it say that if
4 Trump reaches out to somebody on his own or
5 somebody reaches out to Trump without you,
6 that ALM gets a fee? Where in this
7 agreement?

8 A. I do not remember where it says
9 that, but let me --

10 Q. Okay. You answered my question.

11 MR. ITKOWITZ: No. He is in the
12 midst of answering a question.

13 Q. You can continue.

14 A. That was the assumption and
15 understanding that, by exclusivity, I have
16 all these leads, because I would not enter
17 into any agreement and have expenses of money
18 and time where he does his thing and I do my
19 thing and they are mutually exclusive.

20 Q. I appreciate that. My question
21 was, at the time that you signed this
22 agreement in September of 2003, where in this
23 agreement does it provide for what you just
24 said your assumption was?

25 A. I don't think it provides

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explicitly.

Q. Okay. That's fine.

A. Can I finish?

Q. Yes.

MR. ITKOWITZ: Yes.

A. I think because of that vagueness maybe, when there was an amendment to this agreement, it was included to clarify that point.

Q. But --

A. I do not recall if and where it says it in this agreement.

Q. Then let's, at least before we deal with the January '04 extension, take the time, look at the agreement and tell me if it's there, and if it is, where. If you can't find it, then the answer is "I can't find it." If you can find it, you will direct me to where it says that.

So take the time, look at the agreement again, and then my question will be: Does it provide for that exclusivity that you just mentioned in the September 25, 2003 agreement?

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A. From what page to what page?

2

3

Q. It would be the agreement that
you signed, sir.

4

5

A. Just tell me from what page to
what page.

6

7

Q. It would be from the first page
to the last page.

8

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A. You want me to read now about
thirty pages? I'm fine.

10

11

(Pause.)

12

Q. How many pages.

13

A. I am already on 27, 28.

14

Q. The pages are pretty small. I
believe it's five pages.

15

16

A. Tell me which pages I should
read.

17

18

Q. First page of the Memorandum of
Understanding and the last one?

19

20

A. Just this one and the last one?
I'm sorry, just tell me what page.

21

22

Q. Exhibit 1 to your --

23

A. Show me.

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MR. GOLDMAN: Can you show him
the Memorandum of Understanding? It's the

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same thing there.

(Handed.)

A. What pages do you want me to read?

Q. The entire Memorandum of Understanding.

A. Okay.

MR. ITKOWITZ: Take as much time as you need.

MR. GOLDMAN: Absolutely. Do me a favor, don't point. If there is a question on the table, pointing in a document is basically telling the witness what to answer. I would appreciate it, if you can do your best.

MR. ITKOWITZ: Okay, sorry about that.

(Pause.)

A. Okay.

Q. You have looked at the entire agreement already?

A. No, but what I was looking for I found.

Q. Just in case there may be more

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than one place for it, right, that's always a possibility, look at the entire agreement.

A. Could I make a little dot?

Q. Sure, make a dot. Here, here is a Post-It. You can put it and tell us where it provides for what your understanding was.

MR. ITKOWITZ: You can be the lawyer now. You will see what we go through.

I object to the question as calling for a legal conclusion, but he can answer it.

MR. GOLDMAN: I am just asking him to explain his answer.

A. No need for page 3; right?

Q. I want you to look at the whole agreement.

A. You told me pages 1 and 2, if I am not mistaken.

Q. No, you are mistaken. I said the entire agreement.

A. Okay, that's fine.

(Pause.)

A. Yeah, okay.

Q. So you have read it all.

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Getting back to my question:

Where, in the September 25, 2003 agreement does it provide that if someone reaches out to Trump without you being involved, or Trump reaches out to somebody else without you being involved, you're still entitled to the fee?

A. In page -- on the first page, paragraph 1, it says, "Trump shall utilize ALM as his sole and exclusive licensing agent for the project."

Q. Okay. Any other places other than that reference?

A. Wherever the word "exclusive" is mentioned, page No. 2, says, "The exclusive agreement shall include," et cetera.

And the next page, it says, second line, "ALM shall enter into an exclusive agreement."

These are the places where I saw.

Q. So the use of the word exclusive in addition to paragraph 1 where it says sole and exclusive licensing agent?

A. Yes. That was my understanding.

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2 Q. Okay. Does the agreement provide
3 anywhere that if Trump -- other than what
4 you've mentioned, does the agreement provide
5 anywhere that in the event Trump procures
6 somebody, you get a fee?

7 A. Does it say specifically?

8 Q. Yeah, yeah, yeah?

9 A. No.

10 Q. Does it anywhere in the
11 Memorandum of Understanding say specifically
12 that Trump is barred or prohibited from
13 reaching out to somebody on their own?

14 A. No.

15 Q. Before you signed this
16 September 25, 2003 agreement, before signing
17 the September 25, 2003 agreement, did you
18 ever ask Trump, in writing, for a list of
19 anyone they had spoken to prior to
20 September 25, 2003?

21 A. I don't recall.

22 Q. Between September 25th of 2003
23 when you signed the Memorandum of
24 Understanding, and the end of the year,
25 December of 2003, did you ever ask, in

1

2 writing, for Mr. Trump to give you a list of
3 any leads or contacts he had had between
4 September 25, 2003 and December 31, 2003?

5 A. I don't remember the dates, but I
6 remember there were requests to give us
7 leads.

8 Q. And you produced those documents;
9 correct?

10 A. I produced whatever I had, so...

11 Q. So the answer is yes?

12 A. No, the answer is not yes or no.
13 I produced whatever I had. So if it's not in
14 writing, then it's not. If it is in writing,
15 it is. I just don't recall.

16 Q. Okay.

17 A. But I recall, again I want to
18 stress, that there were requests made.

19 Q. We are going to get to those.

20 A. All right.

21 Q. Now, there came a time when you
22 entered into what I will call the January
23 2004 extension agreement; correct?

24 A. Correct.

25 Q. And the Memo of Understanding was

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to expire in March of 2004; correct?

A. Correct.

Q. Now, if you can, in light of the fact that the Memo of Understanding was going to be expiring in March, in your own words, please tell me how it came that an extension agreement was entered into.

A. I don't recall exactly. I don't recall.

Q. To the best of your ability, how did it come to be that ALM, and that would be you, would sign an agreement on January 13, 2004, extending the earlier agreement we were just discussing?

A. If there is something I am not certain, I would rather not say.

Q. You have no recollection?

A. No clear recollection.

Q. Okay. You have no clear recollection how that came to be?

A. That does not mean there was not a reason for it to happen, but I just don't recall clearly the reasons.

Q. No problem. If you don't recall

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the reason, that's your answer and you are sworn under oath. That's your answer.

Was Mr. Scharf involved with the preparation and execution of the extension agreement?

A. Was he involved?

Q. That was my question, was he involved?

A. Involved?

Q. I understand my questions the last time and your attorney's reaction, so I am going to be very careful because I know what the answers will be otherwise.

A. I think I understand what involved means.

Q. Do you understand what involved means?

A. Yes.

Q. I am sure you do.

A. The answer is yes.

Q. Do you know who prepared the Memo of Understanding?

A. No.

Q. Withdrawn. Bad question.

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Do you know who prepared the extension agreement?

A. No.

Q. Before signing it, did you speak with Mr. Scharf?

A. I would assume so, but I don't recall specifically.

MR. ITKOWITZ: No, don't assume.

THE WITNESS: Sorry.

A. I don't recall.

Q. But you do recall Mr. Scharf being involved?

A. Yes.

Q. Do you know who -- do you know if you made changes to the document before signing the final version of the extension of Memorandum of Understanding?

A. Could you repeat the question?

Q. Do you know if, before signing the January 13, 2004 extension, you had made changes to the agreement?

A. This new agreement, the amendment?

Q. Yes. Do you have it in front of

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you, by the way?

A. I will show you what I have.

(Handed.)

Q. Showing you the one page, it's Document 190 to Defendant's A.

MR. ITKOWITZ: That's what he is showing you. He is asking you the question.

A. The extension memorandum, go ahead.

Q. We will call it the extension memorandum.

A. What's your question again?

Q. That's your signature, sir?

A. Yes.

Q. By the way, you submitted an Affidavit in this case; right?

A. Yes. I'm sorry.

Q. And you verified the Complaint in this case; correct?

A. Correct.

Q. And both before executing the Affidavit and verifying the Complaint, you read each document?

A. Correct.

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Q. You read those documents;
correct?

A. Correct.

Q. And you made sure that what was
contained in the Complaint and what was
contained in the Affidavit of you was
truthful and accurate?

MR. ITKOWITZ: Objection to the
form.

THE WITNESS: So I should answer?

MR. ITKOWITZ: Yes.

Q. Yes.

A. Yes.

Q. Annexed to your Affidavit and
annexed to your Complaint, or Amended
Complaint, was this extension of Memorandum
of Understanding. You reviewed it before
signing either the Amended Complaint or your
Affidavit?

A. Yes.

Q. Now, going to this extension in
January 2004, do you recall if any changes
were made before the final version was signed
by you?

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A. I do not recall.

2

3

Q. And you have no recollection as to how this came about? When I say how this came about -- correct?

4

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6

A. No recollection.

7

Q. So your only recollection is that the September '03 Memo of Understanding was expiring and that you then entered into a new agreement extending -- you entered into a new agreement?

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A. I remember there were certain things that caused that to happen. I just don't remember what it was.

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Q. Okay. Therefore, if you don't recall what it was and you don't recall who prepared the agreement -- correct? Would that be correct?

16

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A. Not that I don't recall, I don't know who prepared it.

20

21

Q. You don't even know who prepared the agreement?

22

23

A. Who was involved, I know.

24

25

Q. Who else besides Mr. Scharf was involved?

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A. I don't know.

2

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Q. You only know that your attorney,
Mr. Scharf, was involved; correct?

4

5

A. Yes.

6

7

Q. Do you know why paragraph 5 was
added?

8

9

A. As I said before, I know there
were reasons for this amendment. I don't
recall exactly the reasons.

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Q. I am going to ask you some
questions about this. It's one page. If you
could, take the time to read it and then I
can ask you some questions.

13

14

15

A. Okay. Should I read it?

16

17

Q. The entire one-page document,
yes, sir.

18

19

A. Okay.

(Pause.)

20

A. Okay.

21

22

Q. Does that agreement -- again, for
the record, we are speaking of the January
2004 extension -- does it explicitly say
Trump is precluded from doing its own deal
anywhere? And, if so, please tell me where

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1

2 it says that.

3

A. Where it says explicitly that he
4 is not allowed to do any deal on his own, is
5 that your question?

6

Q. Yes, sir.

7

A. I didn't see it here.

8

Q. Does it say anywhere explicitly
9 that if Trump does do a deal on his own that
10 ALM gets a commission?

11

A. It does not say explicitly, no.

12

Q. Let's go then, if we can, to the
13 paragraph 5, do you see that?

14

A. Yes.

15

Q. The first sentence says, "Upon
16 the reasonable request of ALM, Trump shall
17 provide to ALM a letter of
18 introduction/authorization to any potential
19 licensee of an acceptable license." Do you
20 see that?

21

A. Yes.

22

Q. Did you ever make a request of
23 Trump after January 2004?

24

A. I believe so, yes.

25

Q. And did Trump respond?

1

2 A. But I want to make sure. When I
3 say I --

4 Q. It's ALM?

5 A. ALM.

6 Q. So the answer is still yes?

7 A. Yes.

8 Q. And did Trump provide a letter
9 for those that you requested?

10 A. I remember at least on one
11 occasion that he did.

12 Q. Do you recall any that he did
13 not?

14 A. No.

15 Q. And if you look at the next
16 sentence, it says, "Such letter will be in a
17 form and substance reasonably satisfactory to
18 ALM and that ALM will be free to furnish it
19 to any potential licensee." Was the one that
20 you recall that they did, in fact, respond
21 to, was it satisfactory to you and did you
22 use it then to a potential licensee?

23 A. Yes.

24 Q. Do you recall who that licensee
25 was?

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A. Yes.

Q. Who was that?

A. PLS.

Q. In the next sentence, it speaks of, "In addition, Trump shall provide ALM with reasonable access to and copies of all information in Trump's possession." Did you ever ask to go to Trump's offices to obtain copies of the information in Trump's possession relating to prior opportunities presented?

A. I don't recall myself. I would assume -- strike it. I personally did not ask.

Q. Just so that we are clear, I know again we are talking about ALM, the company, and that's going to include -- it could include -- it could include your CEO, it could include your employee Danzer, so when we say "you," I am talking about ALM.

Did ALM ever request to go to Trump's offices to look for this information in their possession?

A. I do not recall.

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Q. Did ALM -- maybe I will try to use my question as ALM and when I say ALM it will be ALM and the people --

A. Anybody associated with ALM.

Q. Thank you.

Did ALM ever ask, in writing, as of January 13, 2004, for information relating to prior opportunities that were presented to Trump or investigated by Trump?

A. I remember that there were.

There was something in writing. I do not remember the date. If it falls within that date that you are saying, I do not recall.

Q. Do you recall how many times in writing this information was requested?

A. No.

Q. And if you had any of those writings, you provided it; correct?

A. Yes.

Q. To the best of your recollection, other than the request for a letter of introduction to peer lists, there were no -- to the best of your recollection, no other requests of Trump for any such letters?

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A. Again, to the best of my recollection.

Q. Which is why I said to the best of your recollection.

A. There are other players.

Q. Sorry?

A. There are other players in my company, like Jeff. To the best of my recollection right now, I do not recall.

Q. Okay. So although you may not recall, you're saying Jeff may recall?

A. Yes. Or if I look at the documents again, it might refresh my memory. But this very second, I don't recall.

Q. By the way, did Jeff -- withdrawn.

Given the fact that you had never done a direct representation of a licensor, and Trump was Trump, were you supervising Jeff in his day-to-day responsibilities for this, we will call it, the Trump Project?

A. In some cases I was very involved in the process, and whenever there was -- especially when a decision was needed, he had

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to come to me. But, basically, I was involved in most of it.

Q. Okay.

A. Let's put it this way: In the important things.

Q. Okay.

A. Could I get some water, maybe?

Q. It's right over there. There is a pitcher of water and there is a glass there.

A. Thank you.

Q. Sure.

MR. ITKOWITZ: How long do you expect this deposition to go on?

MR. GOLDMAN: Another couple of hours. We will take a lunch break, I assume.

THE WITNESS: Could we not take a lunch break?

MR. GOLDMAN: I never eat so I could try to work through without lunch. Let's see how far we get.

Q. Let's go to, if you can turn the page -- you're not looking at the same thing. Let me take that back.

1

2

Let's go back to Defendant's A.

3

If you can go to Exhibit 2 --

4

A. If you can show me, if you don't

5

mind?

6

Q. Sure. I don't mind. I guess

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it's under Exhibit 2.

8

A. This?

9

Q. Yes. Which is an April 1st, 2004

10

letter.

11

MR. ITKOWITZ: The Bates number

12

is not going to help me. Are you going to

13

have these specially marked as exhibits, you

14

know, because --

15

MR. GOLDMAN: I am not going to

16

sub mark them.

17

MR. ITKOWITZ: Otherwise we have

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to indicate for the record --

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MR. GOLDMAN: I will. That's why

20

I said a letter, dated April 1st, 2004, from

21

Mr. Ross to Mr. Danzer.

22

Q. Did you see that letter in and

23

around April 1st, 2004?

24

A. Yes.

25

Q. At any point of April 2003 and

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2 April of 2004, had you ever spoken to
3 Mr. Ross by the way?

4

A. Yes.

5

Q. Under what circumstances had you
6 and Mr. Ross spoken during that time frame?

7

A. I don't recall.

8

Q. Do you know what you spoke about?

9

A. I just said I don't recall.

10

Q. It wasn't exactly --

11

A. The circumstances, I don't
12 recall.

13

Q. Does the letter that was sent to
14 Mr. Danzer of April 1st, 2004, did that
15 letter by Mr. Ross indicate that Trump was
16 precluded from doing a deal on their own?

17

A. Yeah. That was our
18 understanding, sole and exclusive licensing
19 agent.

20

Q. Other than the words "Sole and
21 exclusive licensing agent," did it provide in
22 any way that Trump could not do a deal on its
23 own?

24

A. Did it say explicitly?

25

Q. Yes.

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2 A. No, but that's what it means.

3 That's what it means to us.

4 Q. That's what it means to you.

5 Does it provide anywhere

6 explicitly that if Trump does do a deal, that

7 ALM gets a fee?

8 A. No.

9 Q. Do you know why Mr. Ross wrote
10 this letter to Mr. Danzer after execution of
11 the January 13, 2004 extension?

12 A. I don't recall.

13 Q. Referencing Defendant's
14 Exhibit A, Bates stamped 198 in the bottom,
15 which is an e-mail from Mr. Danzer to various
16 people at the Trump Organization -- do you
17 see that?

18 A. Yeah.

19 Q. -- in that letter --

20 A. Could I read it first?

21 Q. Of course.

22 MR. ITKOWITZ: If you are going
23 to ask him a question, give him a chance to
24 read it.

25 MR. GOLDMAN: Absolutely. I

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encourage it.

MR. ITKOWITZ: Is this our document or your document?

MR. GOLDMAN: That's my document, but it's a copy of your document.

MR. ITKOWITZ: Yeah, but yours has Bates numbers, mine doesn't.

MR. GOLDMAN: I know. I am going to reference the documents the way I promised you I would.

MR. ITKOWITZ: This is going to create a lot of work on our end rather than making a copy.

MR. GOLDMAN: Do you want me to make a copy for you? I will do that for you.

MR. ITKOWITZ: Yeah. I think it should be marked as separate sub exhibits.

MR. GOLDMAN: We will be here for days. I will make you a copy of the document. There will be a Bates stamp number.

MR. ITKOWITZ: That's fine. The Bates stamp number will be fine. That way, electronically, it gets attached to the

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deposition and my system.

MR. GOLDMAN: You are

Mr. Electronics.

MR. ITKOWITZ: I am not

Mr. Electronics.

MR. GOLDMAN: You are, you love

the electronics.

THE WITNESS: You guys want to

let me read it?

(Pause.)

A. Okay.

Q. Do you know why Mr. Danzer was

writing to the people at Trump in August 2003

regarding a deal?

MR. ITKOWITZ: Objection to the

form. It's August 2004.

MR. GOLDMAN: I will ask the

question again.

Q. Do you know why, in August of

2004, Mr. Danzer is telling George Ross that

they are glad they came to terms regarding a

deal?

A. I don't recall.

Q. Do you know what deal was going

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on, on behalf of ALM --

A. Yes.

Q. -- in August 2004?

A. Yes.

Q. What deal was that?

A. The deal was that in regard to PVH, whatever Donald Trump will get in licensing fees, we will get 10 percent.

Q. You see the second paragraph where Mr. Danzer, on behalf of ALM, discusses what the relationship -- the nature of the relationship is?

A. Where it says "George"?

Q. Where it says, "As we have agreed."

A. Yes.

Q. In that paragraph, that is in the paragraph where it says you get, or I should say ALM gets a 10 percent deal on anything that turns into a licensing deal; correct?

A. Correct.

Q. Does it say anywhere in that --

A. Vis-a-vis PVH.

Q. It doesn't say that right now.

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You are assuming that?

A. No, I am not assuming it.

Q. That you know?

A. For sure, yeah. The only thing that was a 10 percent that we agreed on was PVH. There was nothing else that we agreed on which was 10 percent. That was the only one.

Q. Let me just say what Mr. Danzer says in the letter. "I'm happy we have been able to come to terms regarding our deal as it pertains to bringing licensing deals to the Trump Organization."

A. Right.

Q. Does it say anything about only PVH?

A. No. Does it say explicitly the word PVH in this letter?

Q. Does say anything about the PVH deal in this letter?

A. No.

Q. In the second sentence: As we agree that ALM's fee, for any introduction of a potential licensing partner to Trump, that

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evolves into a licensing deal and any
renewal, you get 10 percent of royalties?

A. Correct.

Q. Does it say it's limited to just
PVH?

A. The whole thing was PVH.

Q. Sir, just answer?

A. Does it say explicitly?

MR. ITKOWITZ: Excuse me, let me
see if I can facilitate this for everybody.

If he asks you a question which
calls for a yes and no answer and you can
give a yes or no answer, give a yes or a no.

MR. GOLDMAN: No.

Q. Does it say anywhere that it's
limited to PVH?

A. No.

Q. What was -- withdrawn.

Who is Avi Hager?

A. My son.

Q. Is he involved in the business?

A. He was involved, yeah.

Q. What was his involvement?

A. Sales.

1

2 Q. Was he involved in any way with
3 the PVH matter?

4 A. I don't recall.

5 Q. If you can, let's use November
6 2004 is when the license agreement between
7 Trump and PVH is signed. Would that be a
8 fair time frame as far as you recall as to
9 when Trump and PVH signed a licensing
10 agreement?

11 A. I don't remember exactly the
12 date, but if that's what the papers say,
13 that's the date. Is that the date?

14 Q. Let's assume that is the date for
15 our conversation.

16 A. Okay.

17 Q. Tell me when was the first time
18 you reached out to PVH? When I say "you,"
19 it's ALM or Avi or Jeff or anybody on behalf
20 of ALM.

21 A. I don't remember exactly the
22 date, but before the expiration of the
23 amendment or whatever you call it, the second
24 agreement, the amendment.

25 Q. Before June of 2004?

1

A. Correct.

2

3

Q. And how did -- was it you -- who reached out to PVH?

4

5

A. Jeff Danzer.

6

Q. Do you know how he reached out to PVH?

7

8

A. No.

9

Q. So you don't know whether it was a phone call or it was a letter; is that correct?

10

11

12

A. Whether it was what?

13

Q. You do not know whether it was a phone call or a written document?

14

15

A. No, I don't recall.

16

Q. I understand that. And did you have, you personally, have any involvement with PVH prior to June of 2004? This is, again, you personally, not employees, not ALM, but you on behalf of ALM.

17

18

19

20

21

A. I am not sure I understand. Did I meet with PVH? Is that your question?

22

23

Q. Yes.

24

A. Or was I involved?

25

Q. Did you meet with anybody from

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PVH?

A. I don't recall.

Q. Did you speak with anybody from PVH from January of 2004 to June of 2004?

A. I don't recall.

Q. Did you write to anybody at PVH between January of 2004 and June of 2004?

A. I don't recall.

Q. Did you supervise Mr. Danzer with respect to any involvement he had with PVH between January of 2004 and June of 2004?

A. He kept me abreast of the developments.

Q. And what is your recollection as to what those developments were between January of 2004 and June of 2004?

A. That he met with them and they showed him -- showed the interest in discussing it further.

Q. That's the extent of your knowledge, as we sit here today?

A. That they were very seriously interested.

Q. Do you recall seeing anything in

1

2 writing from PVH to ALM, from January of 2004
3 to March of 2004?

4 A. From January to March?

5 Q. I'm sorry, withdrawn, strike
6 that.

7 Do you recall seeing any written
8 communications from PVH to ALM from January
9 of 2004 through June of 2004, regarding the
10 Trump --

11 A. I don't recall.

12 Q. And you searched -- in response
13 to the discovery request, you searched your
14 records for all of those kinds of writings;
15 is that correct?

16 A. I searched for everything in the
17 file.

18 Q. And if you found anything from
19 PVH to ALM, you would have provided it, if
20 you found it?

21 A. Yeah. Everything is here.

22 Q. Okay.

23 Now from July of 2004 until the
24 agreement being signed in November 2004 --

25 A. The agreement with PVH?

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Q. Yes, the PVH agreement, let me use that word.

A. Right.

Q. -- were you directly involved -- withdrawn.

Between July 2004 and the execution of the PVH agreement in November of 2004, did you personally ever speak with anybody at PVH?

A. I don't recall.

Q. Did you, during that time frame, personally write to PVH?

A. I don't recall.

Q. Do you recall whether or not PVH ever wrote directly to you?

A. I don't recall.

Q. Were you involved in any of the discussions regarding the drafting of the PVH agreement, you, personally?

A. The PVH, I don't recall.

Q. Did you see the --

A. Again, when you say you --

Q. You, personally.

A. Right; right.

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Q. Did you personally see that
PVH --

A. If you say personally --

Q. I am, that's why I am saying it.

Did you personally see the PVH
agreement before it was signed?

A. I don't recall.

Q. Did Mr. Danzer ever show you the
PVH agreement before it was signed?

A. I don't recall.

Q. Was Mr. Danzer responsible in any
way for representing the Trump name while the
PVH agreement was being negotiated?

A. Could you define the word
"responsible"?

Q. Sure. I will withdraw the
question and ask you another one.

Was Mr. Danzer involved in any
way with the negotiation and then execution
of the PVH/Trump agreement?

A. He had input on some of the
terms, but I don't know to what extent, and
if it was accepted or anything like that, but
he gave his opinion.

1

2 Q. And to whom -- withdrawn.

3

4 Did he speak to you before giving
5 his opinion?

6

7 A. I would -- the answer is yes.

8

9 Q. So you were the person that he
10 spoke to regarding the PVH deal and then the
11 ultimate agreement?

12

13 A. Yes.

14

15 Q. To whom was he giving input to
16 before the PVH agreement was signed?

17

18 A. To the Trump Organization.

19

20 Q. Do you know who, in particular,
21 at that point in time he was dealing with at
22 the Trump Organization?

23

24 A. He was dealing with Kathy Glosser
25 and George Ross. On a day-to-day, more Kathy
26 Glosser. Sometimes George Ross came in, so I
27 don't know what he said to whom, and with
28 Donald Trump, himself.

29

30 Q. He -- during that period of time,
31 Mr. Danzer was speaking directly to Mr. Trump
32 about the PVH deal?

33

34 A. This, I don't know.

35

36 Q. You just said --

1

2 A. I'm sorry, I'm sorry.

3

Q. That's why I --

4

A. It's good that you clarified.

5

Q. Given this was the first deal of

6

this nature for ALM, did Mr. Danzer provide

7

either daily, weekly or monthly reports to

8

you or to anyone at ALM regarding his efforts

9

in representing the Trump name?

10

A. It was not a schedule daily or

11

monthly, but as things developed, he informed

12

me and we had discussions.

13

Q. Was it an informal -- when you

14

say he informed you, was it informal or was

15

there a writing where he would inform you of

16

what was going on?

17

A. He would inform me verbally, and

18

I don't recall anything specifically in

19

writing, but it's a possibility.

20

Q. What did you personally do

21

between -- if anything -- between June 2004

22

and November 2004 with respect to the PVH

23

deal?

24

A. More supervisory final decision,

25

whenever my decision was needed and input.

1

2 Q. What about having nothing to do
3 with the PVH deal?

4 A. What does that mean?

5 Q. I will tell you. Excluding PVH,
6 what involvement did you have in Mr. Danzer's
7 representation of the Trump license from
8 January of 2004 through September of 2004?

9 A. Oh, Jeff Danzer was having --
10 approached many potential licensees and had
11 meetings with them, and to some of the
12 meetings we went together and some of the
13 meetings he went himself and we had meetings
14 about it.

15 Q. Now, because you were going to
16 get a fee, if you went to a meeting and met
17 with a potential licensee, did you keep a
18 list of all the licensees or potential
19 licensees, I should say, that you were
20 meeting with so that you can advise
21 Mr. Trump, or whoever: I met with this
22 company or that company? Did you keep a
23 list?

24 A. Did I personally keep a list or
25 ALM? You are going back and forth between

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me, personally, and ALM.

Q. Unless I say personally, it's going to be ALM.

A. Try to stress because I will be confused.

Q. Did you personally keep a list of any meetings that you attended with potential licensees?

A. No.

Q. Did Mr. Danzer keep a list?

A. He had something to that effect.

Q. And those were records of ALM because he was working on behalf of ALM at that time?

A. Whatever he kept, whatever he wrote, records of ALM.

Q. Let me, if I can, direct your attention to your response to Defendant's First Notice for Discovery and Inspection. I am going to direct your attention to your Bates stamp No. 56.

MR. ITKOWITZ: First Notice, Plaintiff's First Response to First Notice of Discovery and Inspection.

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When you say 56, it's page --

MR. GOLDMAN: You have it marked
as P56 on your documents, which you referred
to me.

MR. ITKOWITZ: There you go,
Donald Trump Project.

Q. Do you see that document?

A. Okay.

Q. Without reading the whole thing,
do you recognize what that document is?

A. Let me just refresh my memory. I
need to look at it.

Q. No problem.

MR. ITKOWITZ: Let me ask you a
question off the record.

MR. GOLDMAN: Off the record.

(Discussion held off the record.)

MR. GOLDMAN: Let's go back on
the record.

Q. Do you recognize what this
document is?

A. Not exactly. I need to refresh
my memory.

Q. Look at the page. The document

1

2 says, at the top, P56, "From the desk of Jeff
3 Danzer." Have you ever seen anything, a
4 piece of paper that said "From the desk of
5 Jeff Danzer"?

6 A. This is one time. I never paid
7 attention from what desk it comes from.

8 Q. Do you see where it says, "Donald
9 Trump Project, synopsis out of March 1,
10 2004"?

11 A. Correct.

12 Q. Did you see that document
13 sometime in March of 2004 or shortly
14 thereafter?

15 A. Yes.

16 Q. This document that you're looking
17 at, is that a document that your company uses
18 to keep track of the projects it's working
19 on?

20 A. In this form?

21 Q. In this form.

22 A. I don't recall. Not necessarily.

23 Q. But this is from your company,
24 right, it's from Mr. Danzer?

25 A. Jeff -- we don't have a set form

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how to give reports.

Q. He was your employee; correct?

A. Right.

Q. This is his document; correct?

A. Right; right.

Q. It's your company's document,
isn't it; you provided it?

A. What do you mean I provided it?

Q. You provided, from your company's
files, this document to me.

A. Correct; correct.

Q. And you don't recall ever seeing
it before today?

A. I provided you everything that
had to do with Donald Trump.

Q. My question is: You don't recall
ever seeing a synopsis of the Trump Project
as of March 4th, before --

A. I didn't say I don't recall. I
just don't remember. I just don't remember
right now looking in 2011 what happened in
2004.

Q. This doesn't refresh your
recollection as having ever seen it?

1

A. Correct.

2

3

Q. And you were the supervisor of

4

Mr. Danzer?

5

A. Correct.

6

Q. And you met with Mr. Trump to

7

bring the Trump Project to ALM?

8

A. Correct. I am sixty-two years

9

old, also.

10

MR. ITKOWITZ: Look, look. You

11

know what --

12

THE WITNESS: Fine.

13

MR. ITKOWITZ: Off the record.

14

(Discussion held off the record.)

15

MR. GOLDMAN: Back on the record.

16

Q. Under "Strategies and results,"

17

is that your understanding of what the

18

approach was?

19

A. Yes.

20

Q. You see how the box is X'd off

21

there?

22

A. Yes.

23

Q. Where it says, "Approached major

24

U.S. fashion players with descriptive

25

letter," do you see where it's X'd off?

1

2 A. Right.

2

3

Q. Does that mean it was done?

4

A. No idea, whatsoever.

5

Q. Do you see where it says, "No

6

real positive responses." Blow that it says,

7

"Trump needs a fashion credibility"?

8

A. Yes.

9

Q. Was that Mr. Danzer advising you

10

that you approached some major fashion

11

players but there was not much of a response?

12

A. I told you before, I don't recall

13

this document.

14

Q. I appreciate that.

15

A. You want me to create a new

16

thing? I don't recall that.

17

Q. I don't have to tell you the

18

reasons why I am going to ask the questions.

19

A. I do not recall. So my response

20

is --

21

Q. If you are going to say "I do not

22

recall," you can say that.

23

But you were the supervisor of

24

Mr. Danzer on the Trump Project?

25

A. Right.

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Q. If you have no recollection of what was going on in February or March of 2004 and this doesn't refresh your recollection, you will answer whatever the truth is.

A. Okay. I don't recall.

Q. If I get a hundred "I don't recalls," I will get a hundred "I don't recalls." That's fine with me.

Do you see where it says, "Follow up with Richard Buckley, Tuesday, 3/2"? Do you know if Mr. Danzer --

A. Wait a second, where, where, where?

Q. About the fourth line down, where it says, "Developed instant credibility"?

A. Yeah.

Q. By the way, were you involved in the strategy for this project?

A. Yes.

Q. Were you involved with Mr. Danzer on how to strategize?

A. Yes.

Q. Do you know whether or not

1

2 Mr. Danzer ever followed up with Mr. Buckley?

3 A. Where do you see the name

4 Mr. Buckley? Oh, I don't know.

5 Q. Do you know who Mr. Buckley is?

6 A. No.

7 Q. Do you know who Joseph Abboud is?

8 A. Yes.

9 Q. Do you know who Marty Staff is
10 that's referenced in this memo?

11 A. Don't recall.

12 Q. Do you see under the caption,
13 "Industry insiders for feedback," do you see
14 that?

15 A. Where? How many lines?

16 Q. It's the next line.

17 A. Okay. Yeah.

18 Q. Do you see that there are some
19 boxes that are just open and then there are
20 some checkmarks?

21 A. Yes.

22 Q. Sir, as the president of the
23 company responsible for this, do you know
24 what that checkmark means versus an open box?

25 A. No.

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Q. Did you ever know?

A. On this particular one?

Q. Did you ever know what the meaning of a checkmark was versus an open box?

A. Checkmark means, in most cases, that it was done. Open box, it was not done. It could mean other things. I cannot tell you what it meant here.

Q. Did you speak with Mr. Danzer about this project and the memo that goes from P56 to P63 -- I'm sorry, to P6t5? Did you, back in early 2004, speak with Mr. Danzer, as his supervisor, regarding what he was doing for the Trump Project?

A. Yes.

Q. Do you see where it says -- going back to P56, "Personal pitches, two." Do you see that heading?

A. Right.

Q. Do you see there is an open box for Richard Buckley, Tom Ford?

A. Yes.

Q. Do you know who Richard Buckley

1

2 is, by the way?

3 A. I said before I don't know.

4 Q. Do you know who Tom Ford is?

5 A. Yes.

6 Q. Who is Tom Ford?

7 A. He is a famous designer.

8 Q. Do you see at the bottom there,

9 under that heading, Ken Wyse, Phillips

10 Van Huesen?

11 A. Yes.

12 Q. Do you know who Ken Wyse is?

13 A. Yes.

14 Q. Had you ever spoken to him at any

15 time through March of 2004?

16 A. I do not recall.

17 Q. Have you ever spoken to him?

18 A. I do not recall.

19 Q. Do you see it's checked off?

20 A. Yes.

21 Q. Do you see, on the right-hand

22 side, it says, "Come back with a proposal"?

23 A. Yes.

24 Q. Do you know what that means?

25 A. I could assume but I am not going

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to assume.

Q. Do you know what it means?

A. No.

Q. Did Mr. Danzer advise you that he had ever spoken with anybody at PVH prior to March of 2004?

A. Prior to March?

Q. Prior to the synopsis, which is as of March 1st of 2004, did Mr. Danzer ever tell you that, prior to March 1st of 2004, he spoke with anybody at PVH?

A. I do not recall.

Q. Were you involved in any proposal to PVH?

A. Directly to PVH?

Q. Yes. Where it says come back with a proposal, did you, your company, or anybody under your supervision or direction, prepare a proposal for PVH?

A. They were instrumental in introducing PVH to ALM.

Q. You say they were instrumental. Tell me what you mean by instrumental, to use your words.

1

2 A. Okay. Jeff Danzer met with PVH,
3 told PVH that ALM represents Donald Trump and
4 are they interested in licensing the name
5 Donald Trump for any of their products.

6 Q. That's what you mean by
7 instrumental?

8 A. The beginning of the process.

9 Q. When did that --

10 A. I do not remember when.

11 Q. Was there -- getting back to my
12 question, did you ever submit a proposal on
13 behalf of Trump to PVH?

14 A. I do not recall.

15 Q. When I say you, I mean ALM unless
16 I use the word -- okay.

17 Go to P58. You can see at the
18 bottom is where it says the numbers. Do you
19 see the handwriting in the upper left-hand
20 corner?

21 A. Right.

22 Q. Do you see that?

23 A. Uh-hum.

24 Q. "2/17, call Richard Buckley." Is
25 that your handwriting?

1

2 A. No.

3 Q. Is that Mr. Danzer's handwriting?

4 A. I don't know.

5 Q. Had you ever seen Mr. Danzer sign

6 before?

7 A. Sign his name?

8 Q. Yes.

9 A. Sign his name or writing?

10 Q. Writing.

11 A. The answer is yes.

12 Q. And you don't know if that was

13 Mr. Danzer's writing?

14 A. No.

15 Q. Other than Mr. Danzer and

16 yourself, who else was responsible for the

17 Trump Project in 2004?

18 A. Responsible meaning involved?

19 Q. Involved in any way.

20 A. Howard Weinreich.

21 Q. That's your CEO?

22 A. Right.

23 Q. How was he involved?

24 A. In brainstorming.

25 Q. You recall that?

1

A. It was on a daily basis.

2

3

Q. Do you see on P58 where it says,

4

"Daily log"? Do you know what a daily log

5

is?

6

A. Yeah. I don't see it, but --

7

Q. If you go to the top of page 58,

8

right next to the handwriting --

9

A. Right; right.

10

Q. -- it says, "Donald Trump Project

11

daily log." Since your service was

12

representing a licensor, do you know what a

13

daily log is?

14

A. He was writing things on a daily

15

basis.

16

Q. With respect to the Trump

17

Project?

18

A. Right.

19

Q. Do you see the very first thing

20

under Wednesday, February 11, 2004?

21

A. Right.

22

Q. What does it say?

23

A. "Review list of potentials with

24

Mark Hager."

25

Q. Did you review a list of

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potentials with Mr. Danzer in February of 2004?

A. I have reviewed the list of potentials, but I don't remember what date it was.

Q. Did you ever see -- was part of Mr. Danzer's responsibility to provide you, you, personally, with these kind of logs and records so you know what was going on, as his supervisor?

A. I don't know if he actually gave it to me for me to keep or if I kept it. It was probably used in a meeting where we could go over it. Again, I don't recall a specific one. The word "assume" I don't want to use, so I just don't recall.

Q. When did you, or anyone on behalf of ALM, by the way, reach out to Marcraft?

A. I don't remember the date.

Q. Who at ALM reached out Marcraft?

A. Initially it was Jeff Danzer, and then I remember we had a meeting with -- I'm sorry, I'm sorry, Marcraft? You're confusing.

1

2 Q. I don't mean to confuse you. I
3 said Marcraft.

4

A. Go back to the original question.

5

6 Q. Who, if anybody, on behalf of ALM
7 reached out in any way to Marcraft?

8

A. No one.

9

Q. Ever?

10

A. I can't tell you that.

11

12 Q. But certainly in 2004 or 2005,
13 2006?

14

A. I don't remember the dates.

15

16 Q. Then I will ask the question
17 again: Did anyone on behalf of ALM reach out
18 to Marcraft?

19

A. To the best of my knowledge, no.

20

21 Q. Is it fair to say that in your
22 Complaint you are asking for damages against
23 Trump because either in some way he, or
24 someone on his behalf, discussed a licensing
25 deal and entered into a licensing deal with
26 Marcraft?

27

A. Correct. Without our involvement
28 in it. Doing it behind our back without us
29 knowing about it.

1

2 Q. Correct. Okay. Just so we're
3 clear: Prior, it's not that you had ever
4 dealt with Marcrafft before and then Trump
5 dealt with Marcrafft?

6 A. Again, I personally don't recall.

7 Q. Okay, that's fine.

8 A. Even if I was involved with these
9 things, I don't recall the things. It's
10 possible that Jeff, in his initial
11 introduction, or initial phone calls, called
12 Marcrafft, but I don't think he met with him.

13 But you will have to ask Jeff
14 because he was the one who was really
15 involved. I just don't recall.

16 Q. Let's go to P --

17 A. It's possible if you had gone
18 back to '04 I would have recalled. Today I
19 don't recall that.

20 Q. Let's go to P61. Do you see on
21 P61 there is a plan A, a plan B, a plan C, a
22 plan D, do you see that?

23 A. Yeah.

24 Q. Do you see at the bottom where
25 there is a key, do you see at the bottom?

1

A. Uh-hum.

2

3

Q. What was -- if you can, as the supervisor and responsible person, what was the difference between plan A, plan B and plan C? What was the difference between A, B and C?

4

5

6

7

8

A. I told you before I don't recall this particular document, so I don't want to guess.

10

11

Q. I don't want you to guess, either.

12

13

A. So I don't recall anything right now about this document.

14

15

Q. Do you recall anything about the Trump Project and how you were trying to get --

17

18

A. Yeah, I remember.

19

Q. Let me finish my question.

20

Do you recall anything about how ALM was going to represent Trump and how they were going to make pitches on his behalf? Do you remember anything about that?

21

22

23

24

A. In that situation, yes. In the general situation, yes.

25

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(Interruption.)

2

3

MR. GOLDMAN: Off the record.

4

(Discussion held off the record.)

5

MR. GOLDMAN: Back on the record.

6

A. So I was saying to you before, in

7

a general situation, the objective was to

8

reach out to as many potential licensees,

9

licensing companies as possible.

10

Q. And now -- go ahead, sorry.

11

A. And Jeff would report to me as to

12

his success or failure with certain

13

companies. Which companies, what, some I

14

recall, some not. This particular document I

15

don't recall.

16

Q. I know you don't remember the

17

document, but macro speaking, there was a

18

plan A and a plan B and a plan C?

19

A. Right.

20

Q. Is that fair to say that you had

21

an initial assault, so to speak, and then

22

depending upon how that went, there would be

23

another level of people you were going to hit

24

and then another level of people you were

25

going to hit?

1

2 A. I don't recall. If you want me
3 assume, which I don't want to assume --

4 Q. I don't want you to assume.

5 A. -- I don't recall.

6 Q. So you don't recall?

7 A. I am saying it a few times.

8 Q. You might say it to me a hundred
9 times.

10 A. Anything to do with this
11 document, I just don't recall this very
12 second.

13 Q. Do you see it says, plan A, to
14 pitch to top tier licensees and fashion
15 houses." Do you see that?

16 A. Yes.

17 Q. Was that an approach as a
18 supervisor for this account that you took for
19 the Trump Project?

20 A. Yes, as an option.

21 Q. As an option. And then was there
22 another option to go against -- to go seek
23 out designers for Trump as an option, as a
24 plan?

25 A. Correct.

1

2 Q. And are there such things as
3 first tier or high level designers and
4 manufacturers and low level designers and
5 manufacturers?

6 A. Yes.

7 Q. Was it your plan to go against
8 the high level manufacturers first before you
9 went against the second tier or the less than
10 high level manufacturers?

11 A. Yes.

12 Q. And Marcraft, you knew of
13 Marcraft being in business for decades,
14 haven't you?

15 A. I don't know for decades, but I
16 know the name Marcraft.

17 Q. You have been in business since
18 the '80s; right?

19 A. Right.

20 Q. Since the '80s, which encompasses
21 three decades, you have been in the
22 manufacturing apparel business?

23 A. Yes.

24 Q. You have heard of the Marcraft
25 name; correct?

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A. Correct.

Q. They are, in your estimation or your opinion, a second tier manufacturer?

A. Yes.

Q. Now, if you see on plan C where the open boxes are --

A. Yeah.

Q. -- do you see Marcraft's name there?

A. Uh-hum.

MR. ITKOWITZ: There is no question. Don't talk. Only talk when he asks you a question.

Q. If you see, if you go to P62 where it says, "Project summary" at the top --

A. Yeah.

Q. -- do you see again, under plan C, those are all empty boxes, no checks?

A. Right.

Q. This is a true and accurate -- I know I asked you before -- these documents are the true and accurate copies of the originals that you have in your records;

1

2 correct?

3 A. Yes.

4 Q. Who is Cheryl Calegari,

5 C-A-L-E-G-A-R-I, do you know who she is?

6 A. Yes.

7 Q. Who is she?

8 A. She was part of the team to

9 license the names for Donald Trump.

10 Q. Was she employed by ALM?

11 A. She was a consultant.

12 Q. An outside consultant?

13 A. Yes.

14 Q. How many outside consultants did

15 ALM employ for this project?

16 A. Just her.

17 Q. Why did ALM employ an outside

18 consultant?

19 A. Because she had the relationship

20 with Donald Trump and his wife. You know

21 what? Could I see the name? I think the

22 first name was Cheryl Scharf. Maybe she used

23 a maiden name. There were two Cheryls.

24 Q. Go to P64.

25 A. P64?

1

2 Q. Yes, P64.

2

3

A. Yes, that's not --

4

Q. Who is Cheryl Calegari?

5

A. I hired her to work on Donald

6

Trump before Jeff Danzer.

7

Q. So then going back to some of the

8

earlier questions, in November of 2003,

9

Mr. Danzer was not employed by ALM?

10

A. I don't know if he was employed

11

or not, but he was not working on -- he was

12

not working on the Donald Trump Project.

13

Q. Tell me at the time -- withdrawn.

14

So Cheryl was hired --

15

A. Let's put it this way: I don't

16

remember, A, if he was working at that time,

17

and even if he was working, I don't know if

18

he was involved in that project. And it's

19

possible, if he was working, that he might be

20

involved in a small role, but I just don't

21

recall distinctly anything about Jeff Danzer

22

in this period.

23

Q. That's fine. We left blanks.

24

You will fill in that information.

25

So she was hired before or after

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the September 2003 Memo of Understanding?
Was she hired before or after the September
2003 Memo of Understanding?

A. I don't recall.

Q. Did there come a time that she
stopped working on the Trump Project?

A. Yes.

Q. When?

A. Sometime after that. I don't
recall the date.

Q. How soon after November --

A. I don't recall whether it was a
month or three months. I don't recall.

Q. Was it three years later?

A. No, before that. Within the
first year.

Q. At the time you signed your Memo
of Understanding, did you have anybody at
your company who had any experience
representing licensors; and, if so, who?

A. As I told you before, we did not
represent any licensors before.

Q. Kind of like your instructions
from your attorney, if it calls for a yes or

1

2 no: Did you have anybody in September of
3 2003 with experience representing licensors?

4 Yes or no?

5 A. No, except myself.

6 Q. And what experience did you have
7 representing licensors?

8 A. I just knew the field very well.
9 Did I represent licensors before? No.

10 Q. And have you ever represented a
11 licensor after Mr. Trump?

12 A. I don't recall. I don't recall.

13 Q. Can you go to P66. And for
14 reference, that is a letter from Mr. Danzer
15 to Mr. Hager --

16 A. Uh-hum.

17 Q. -- dated February 17, 2004.

18 A. Okay.

19 Q. That's your signature; correct?

20 A. Right.

21 Q. I'm sorry?

22 A. Yes.

23 Q. Okay. Is that Mr. Danzer's
24 signature?

25 A. Yes.

1

2 Q. Do you know whose handwriting is
3 at the top where it says, "Attn.," and,
4 "Elana Danzer"?

5 A. No.

6 Q. Do you know who Elana Danzer is?

7 A. No.

8 Q. My question is going to be: Do
9 you know why, if both you and Mr. Danzer were
10 at the same company, why he was sending you a
11 letter and asking you to sign it? If you
12 want to read it, please do.

13 A. Okay.

14 Q. Do you know why -- withdrawn.
15 Did you ask Mr. Danzer to send
16 this letter to you?

17 A. I don't recall.

18 Q. Do you know why Mr. Danzer sent
19 the letter to you?

20 A. He wanted to formalize the
21 understanding that he had vis-a-vis the
22 Donald Trump deal.

23 Q. Did he have a separate -- did you
24 and he have a separate kind of deal as it
25 relates to the Trump Project, or was he an

1

2 employee of yours and -- was he an employee
3 of yours?

4

A. I know that he was an employee of
5 me. I don't recall when he started, so I
6 don't know if at this particular time he was
7 a full-time employee.

8

Q. Or?

9

A. Or he was just hired on this
10 deal. I don't recall. But I do recall that
11 the reason this letter was written is because
12 he wanted to formalize the understanding that
13 he had with me or my company from a financial
14 point of view, what he will get.

15

Q. So it was for him to -- in this
16 document, both you and he represent that you
17 had read the Memo of Understanding and the
18 extension; correct? If you read what it
19 says --

20

A. If that's what it says, that's
21 what it says.

22

Q. And you see where it says, "It's
23 been a pleasure getting to know you and Avi"?

24

A. Uh-hum.

25

Q. Avi is?

1

A. My son.

2

3

Q. Would this refresh your memory

4

that if he is just getting to know you and

5

your son, then he had only started working

6

with you kind of recently?

7

A. From a logical point of view,

8

yes. I don't want to assume anything, but I

9

don't really recollect when he started.

10

Q. I didn't ask you if you

11

recollected exactly when he started. I am

12

trying to refresh your recollection.

13

A. It does not refresh my

14

recollection.

15

Q. Just so we are clear, where it

16

says, "It's been a pleasure" --

17

A. I hear you.

18

Q. "It's been a pleasure getting to

19

know you and Avi and getting you two to work

20

on this project," that's in a letter dated

21

February 17, 2004, that doesn't refresh your

22

recollection in any way as to approximately

23

when he started working for your company?

24

A. From a probability point of view,

25

yes.

1

2 Q. I didn't ask you that, sir.

3 Please, please. It's not a probability point
4 of view.

5 A. No, no, no, no, no.

6 Q. Let's not start with probability.

7 A. No.

8 MR. ITKOWITZ: Just answer the
9 question.10 Q. ALM was to compensate Mr. Danzer
11 with a fee of \$200,000?

12 A. Uh-hum.

13 Q. Did ALM pay Mr. Danzer the
14 \$200,000?15 A. I believe so, or close to it.
16 But we did not owe him any money. Let's put
17 it this way.18 Q. Was he hired just for the purpose
19 of the Trump deal and when the Trump deal was
20 done, he was let go?

21 A. I told you before I don't --

22 Q. Sir, we will be here forever if
23 you preface --

24 A. No, I do not recall.

25 Q. She cannot take both of us

1

2 talking. We will be here for days if every
3 answer is "I told you before." Your attorney
4 said it best, if it calls for a yes or no --

5

A. I do not recall.

6

Q. Fine. Then we can move on.

7

A. You got it.

8

Q. It says in his -- in your

9

agreement with him that he has already begun

10

to research and establish contact with

11

companies that, quote, "We have agreed to."

12

That means he and you. What companies did

13

you and he agree to reach out to?

14

A. We discussed a list of companies

15

and I told him which one I think he should

16

pursue and which one not, and we agreed on

17

which one he should go after. What companies

18

in particular, the names, I don't remember.

19

MR. ITKOWITZ: Excuse me. Excuse

20

me. You answered perfectly until you just

21

started talking again.

22

THE WITNESS: Okay.

23

MR. ITKOWITZ: Just answer the

24

question.

25

THE WITNESS: Okay.

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MR. ITKOWITZ: Let him ask the question. Don't anticipate what he wants to hear.

THE WITNESS: All right.

Q. Do you know who Ronni Wurtzburger is?

A. Yes.

Q. Who is Ronni Wurtzburger?

A. He was from Peerless, P double E-R-L-E-S (sic), something like that.

Q. Do you recall there being an issue at any point in time between January of 2004 and August of 2004, when you had the extension agreement vis-a-vis PVH, regarding Marcraft, and Marcraft in any way being involved with Mr. Trump or the Trump Organization?

A. I do not remember dates, but I remember that we had discussions voicing our frustrations vis-a-vis Marcraft. I think there was even a letter mentioned.

Q. When you say "we," by the way?

A. ALM.

Q. Did you voice any concerns to

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anyone at Trump about --

A. Me, personally?

Q. Yes, you personally.

A. I do not recall.

Q. If anybody voiced any concerns,
it would be Mr. Danzer, wouldn't that be the
case?

A. If it's not me, then it would be
Mr. Danzer.

Q. Turning to P84 --

A. Yeah.

Q. -- why don't you read that.
Since you were cc'd on the letter, I am going
to assume that you got a copy of it. But why
don't you read it to refresh your memory on
it.

A. Okay.

(Pause.)

A. Okay.

Q. Does that refresh your
recollection as to the events in or about
March and April 2004 regarding Marcrafft?

A. This, I remember.

Q. Excellent. Now would it be fair

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to say that, having read this, Peerless was concerned that they weren't going to submit something -- withdrawn.

Would it be fair to say that at this point in time, Peerless would not submit a proposal because they believed, rightly or wrongly, that Trump had a deal with Marcraft?

A. Correct.

Q. Would it be fair to say that Peerless would not want to enter into a proposal with Trump if Marcraft and Trump had already had an agreement; would that be fair?

A. Correct.

Q. Now, if you look at P86, you will see it's a letter from Trump to your company dated April 5, 2004. Do you see that?

A. Let me read it.

(Pause.)

A. Yeah.

Q. Do you know if that letter was ever sent by ALM to Peerless?

A. This letter?

Q. The April 5, 2004 letter from Trump to ALM in which it says that they have

1

2 had discussions with parties but nothing has
3 been finalized. I am paraphrasing.

4

A. If this letter was given to
5 Peerless, is that your question?

6

Q. Do you know if the letter was
7 given to Peerless?

8

A. I don't recall.

9

Q. Do you know if Peerless wanted a
10 letter to assure themselves that there was no
11 other agreement so that they can submit a
12 proposal?

13

A. Whether they wanted the letter or
14 not, I don't recall. But they wanted to have
15 assurances that no one was out there who has
16 a deal.

17

Q. Okay. And do you know, as the
18 person responsible for the Trump Project,
19 whether or not that assurance following this
20 April 5, 2004 letter was given to Peerless in
21 some way?

22

A. Yes.

23

Q. Was it given to Peerless?

24

A. Yes.

25

Q. Did Peerless ever then give a

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proposal to you for -- withdrawn.

Did Peerless thereafter give a proposal to ALM, which then ALM submitted to Trump for consideration?

A. They wanted to meet with Trump -- when I am saying "Trump," I am saying the Trump Organization.

Q. Understood.

A. -- to discuss it further.

Q. But they wanted a meeting first before they put together a proposal?

A. Because even after --

Q. I just asked you yes or no.

A. Yes, yes.

Q. Did that meeting ever take place?

A. I don't recall.

Q. Let's go to P87, which is your response. Next page. Does that refresh your memory as to whether or not the documents were sent to Peerless?

A. Can I read it?

Q. Sure.

(Pause.)

A. Yes.

1

2 Q. That refreshes your recollection;
3 correct?

4 A. Uh-hum.

5 Q. And now that your recollection is
6 refreshed, Peerless was advised on April 13th
7 that, in fact -- of the assurances that they
8 needed; correct?

9 A. Correct.

10 Q. And what was the reason why,
11 following April 13, 2004, that Peerless
12 didn't meet with the Trump Organization on
13 behalf of Trump?

14 A. I don't recall.

15 Q. Wasn't it, in fact, because they
16 didn't -- withdrawn.

17 As the supervisor of this
18 project, wasn't it, in fact, because they
19 weren't going to meet with Peerless until
20 they knew what the financial terms were?

21 A. They are not going to meet with
22 Peerless?

23 Q. That they were not going to have
24 a face-to-face or a sit down with Peerless
25 until they knew what the financial terms

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were?

A. I don't recall.

Q. Let's go to P88.

A. Okay.

Q. Do you see that Danzer to
Peerless fax page?

A. Yeah. Let me read it.

Q. Read it.

(Pause.)

A. Yeah.

Q. So, in fact, it was Trump didn't
want to meet because they wanted to know what
the financial terms were?

A. Correct.

Q. Was that conveyed by ALM to
Peerless?

A. Yeah. Here is the letter. This
is the letter to Ronni Wurtzburger from Jeff.

Q. Now tell me when, if at all, did
ALM present a financial proposal to Trump?

A. On the Peerless deal?

Q. On the Peerless deal, yes. I
apologize.

A. I don't recall.

1

2 Q. Do you know whether or not

3 Peerless put in -- withdrawn.

4 Do you even know whether or not

5 you received what I will call a financial

6 deal from Peerless for you to even convey to

7 Trump?

8 A. I don't recall.

9 Q. And if you did, you would have

10 conveyed it to Trump; correct?

11 A. Sure, yeah.

12 Q. Now, turning back to P86 for a

13 moment, where Mr. Ross is advising ALM, by

14 letter dated April 5, 2004, that they have

15 had discussions with several parties

16 concerning the licensing of the Trump name --

17 do you see that?

18 A. Yeah.

19 Q. -- that was sent to Mr. Danzer;

20 correct?

21 A. Correct.

22 Q. And that was one of the documents

23 that was then sent to Peerless?

24 A. Correct.

25 Q. When, after April 5th of 2004,

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since it was your belief that if that, in fact, was occurring -- withdrawn.

It was your understanding, in April 2004, that if Trump was having discussions with several parties concerning the licensing of the Trump name for high quality apparel, it was your understanding that you would be entitled to a fee; correct?

A. If it materialized, yes.

Q. If it materialized?

A. Yes.

Q. Did you, Mr. Danzer or anyone in your company, after getting this letter by fax on April 5, 2004, write a letter back and say: Hey, who are these people that you're talking to, because you better understand, I am entitled to a fee? Did you write that letter in April of 2004?

A. There was a letter, at least one letter that I remember, that Jeff Danzer sent to the Trump Organization, how they are going behind our back against the agreement we had.

Q. And do you recall any other letter, other than the one letter that you

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recall Mr. Danzer wrote about that?

A. I don't recall.

Q. Any of those letters you would have provided, of course; correct?

A. I was provided, you mean?

Q. No. Withdrawn.

Any of those letters --

A. If it was sent, you mean?

Q. After April 5, 2004, that were sent from ALM, you would have provided as part of the discovery that you produced?

A. Anything to do with Trump, you got.

Q. Let's go to June 8th, which is two months after the April 5th letter, and I ask you to go to -- you stopped Bates stamping the numbers. You will see, if you keep on turning pages, unfortunately, that there is a letter dated June 8, 2004. They seem to be in chronological order.

A. June 8th?

Q. Do you see that letter?

A. Yeah.

Q. Do you want to look at that?

1

2 A. You want me read the whole thing
3 now?

4 Q. You have seen that letter;
5 correct?

6 A. Yes.

7 Q. If you can just -- you were cc'd
8 on the letter; correct?

9 A. Yes.

10 Q. So you have seen it before today?

11 A. Uh-hum.

12 Q. Is this the letter that you just
13 spoke to when you said that you recall that
14 at least a letter was sent by Mr. Danzer?

15 A. Could I read it?

16 Q. That's why I was asking.

17 (Pause.)

18 A. Yeah.

19 Q. You read it?

20 A. Uh-hum.

21 Q. Is that the letter that you were
22 referring to earlier regarding a response to
23 the April 2004 letter from Mr. Ross in which
24 he indicated that he was negotiating with
25 other people?

1

2 A. Yes.

3 Q. This letter accurately reflects

4 ALM's response; correct?

5 A. Correct.

6 Q. Did you see this letter before it

7 was sent?

8 A. Yes.

9 Q. You recall that?

10 A. Yes.

11 Q. You can't recall the other
12 questions I asked you, but you recall this?13 A. Yes, it was a very important
14 letter.15 MR. ITKOWITZ: Excuse me. It's a
16 yes or no.

17 A. Yes.

18 Q. Who drafted the letter?

19 A. Jeff.

20 Q. I'm sorry?

21 A. Jeff, I believe.

22 Q. Did you make changes to it?

23 A. I don't recall.

24 Q. I'm sorry?

25 A. I do not recall.

1

2 Q. But you recall that it was sent;
3 correct?

4 A. Yes.

5 Q. Was there a response, by the way,
6 to the letter?

7 A. I don't know.

8 Q. That you recall?

9 A. I don't recall.

10 Q. It was an important letter, but
11 you don't recall if there was a response?

12 A. If I see --

13 MR. ITKOWITZ: Excuse me, yes or
14 no.

15 A. I do not recall.

16 MR. ITKOWITZ: Excuse me, yes,
17 no, or I don't recall.

18 Q. Did you speak with Mr. Ross about
19 this letter regarding the content or issues
20 raised in this letter?

21 A. I do not recall.

22 Q. But you do recall reviewing --

23 A. "You" being Mark Hager; right?

24 Q. You being Mark Hager.

25 You, Mark Hager, did review the

1

2 contents and the words in the letter before
3 it was approved to be sent?

4 A. This letter?

5 Q. Yes.

6 A. Yes.

7 Q. If you go to the second

8 paragraph --

9 A. Of the first page?

10 Q. Yes -- second paragraph, seven

11 lines up with the sentence that begins --

12 MR. ITKOWITZ: Seven lines up

13 from the bottom?

14 MR. GOLDMAN: From that

15 paragraph.

16 Q. I believe it begins, "As such."

17 Do you see that?

18 MR. ITKOWITZ: As such?

19 A. As such.

20 Q. "The way we see it"?

21 A. Right.

22 Q. When you and Mr. Danzer looked at

23 the letter, "the way we see it," that means

24 ALM?

25 A. Right.

1

2 Q. "As per the spirit of
3 exclusivity," what did you mean by -- since
4 you read the letter, what did you mean by the
5 spirit of exclusivity?

6 A. The meaning and understanding of
7 our exclusive agreement meant the following.

8 Q. So when you used the word
9 "spirit," it means your understanding?

10 A. Correct.

11 Q. And that's because the words
12 don't actually appear in those documents, do
13 they?

14 A. That was my understanding. I
15 don't remember the words or any of that.

16 Q. Okay.

17 By the way, did you have an
18 attorney review that June 8, 2004 letter?

19 A. I don't recall.

20 Q. Did you have Mr. Scharf review
21 that June 8, 2004 letter?

22 A. I don't recall.

23 Q. Do you recall reaching out to
24 Mr. Scharf as a result of the April 1st, 2004
25 letter in which Mr. Ross advised you that

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they were looking at other potential licensees?

A. I don't recall.

Q. Did Mr. Danzer have a relationship with Mr. Scharf in any way that you knew?

A. Yes.

Q. What was the nature of that relationship?

A. He could call him.

Q. And you said, by the way, that Mr. Scharf, you believed Mr. Scharf was also a friend of Mr. Trump?

A. I didn't say that. His wife. What I was referring to, the wrong Cheryl --

MR. ITKOWITZ: He is asking you about Mr. Scharf.

Q. Earlier on when I asked you about how it came to be that you even met Mr. Trump, I believe you told me that you spoke with David Scharf who you believe was a friend of Mr. Trump.

A. It was his lawyer and they had a personal relationship.

1

2 Q. Go to P99, which is in
3 Plaintiff's Responses to Defendant's First
4 Notice. Do you know whose handwriting
5 appears on that?

6 A. Yes.

7 Q. Whose handwriting is that?

8 A. Mine.

9 Q. Is all of it yours?

10 A. "Debbie, PVH" is not mine. On
11 the left here it's not mine (indicating).

12 Q. Left meaning any phone numbers
13 there?

14 A. This one here?

15 Q. Yes, sir. Okay.

16 MR. ITKOWITZ: Let the record
17 reflect the witness is referring to some
18 information on the side of the document next
19 to numbers, numbered items.

20 Q. Do you --

21 A. Wait, wait. This is not my
22 handwriting (indicating).

23 Q. Can you read what it says?

24 A. Not really.

25 THE WITNESS: Could you read it?

1

2 Q. The top. I understand.

2

3

A. Top on the right. No. 3, next to

4

Burberry, it has the name Stan Toky

5

(phonetic) is not mine. Burberry is, Stan

6

Toky is not mine.

7

Let me finish.

8

MR. ITKOWITZ: Do you need him to

9

go through the document?

10

MR. GOLDMAN: No.

11

MR. ITKOWITZ: Only answer

12

questions. Don't volunteer. Answer

13

questions.

14

Q. Do you recall when you put your

15

handwriting on this?

16

A. No.

17

Q. Look at the top. Do you see at

18

the very top --

19

A. Yeah.

20

Q. -- very, very top, it says

21

"February 9, 2004, 9:46;" do you see that?

22

A. Yeah.

23

Q. There is a number,

24

"718-377-2875"?

25

A. Uh-hum.

1

2 Q. Do you see that?

3

A. Yeah.

4

Q. Do you know what that number is?

5

A. Yeah, my fax number at home.

6

Q. Do you see where it says, "M.

7

Hager" across the top there?

8

A. Yes.

9

Q. Does that refresh your

10

recollection as to when you would have

11

written this?

12

A. Not -- no. It refreshes my

13

recollection when this was sent.

14

Q. To who did you send it?

15

A. I don't remember.

16

Q. Go to P100 where it says, "Trump

17

to do." Is that your handwriting?

18

A. No.

19

Q. Anywhere on that document?

20

A. Oh, anywhere, no.

21

Q. Where was this document obtained

22

from? Where was this document obtained from

23

and where were the documents obtained from

24

that we had discussed as P56 to P68?

25

A. When you say where was it

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obtained from, what do you mean?

Q. Where in your business records were these documents located?

A. Anything to do with Trump we provided to our lawyer.

Q. Okay. But my question was: Where in your business files were these documents located?

A. I don't recall.

MR. GOLDMAN: I am going to call for an answer as to where P56 to P58 was located, and where P100 and -- 100 to 102 were located and/or kept at ALM's business records.

MR. ITKOWITZ: We will take it under advisement.

Can you answer the question?

A. P100, I don't recall.

What other P, from what page?

Q. 100, 101.

A. One second.

Q. It would be after 100, 101.

A. This is 101?

Q. Yes. Do you know what that is,

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who prepared that?

A. Yeah, it says Jeff Danzer.

Q. Do you know what that was about or when it was prepared? Do you have any knowledge about any of that?

A. There is no date. That's it.

Q. I didn't ask you.

A. I do not recall when it was prepared.

Q. Can you go to P104 --

A. Which one is P105 --

Q. The document dated August 3, 2004 on your company's letterhead signed by Mr. Danzer. See where it says P104?

A. Uh-hum.

Q. Are you sure, because there are a bunch of documents?

A. Could I read it first.

Q. Sure.

(Pause.)

A. Okay.

Q. You are aware that that document was sent to Mr. Trump?

A. Yes.

1

2

Q. You had conversations with
Mr. Danzer regarding the substance of that
proposal?

4

5

A. Yes.

6

Q. You authorized Mr. Danzer to send
it; correct?

7

8

A. Correct.

9

Q. Is it fair to say that Mr. Trump
never signed it or returned a signed copy?

10

11

A. I don't recall.

12

Q. You have no recollection,
notwithstanding your execution of an
Affidavit and Complaint, whether or not this
document was signed by Mr. Trump?

13

14

15

16

A. Correct.

17

Q. Is there any written agreement
between ALM and my client executed after
January 2004?

18

19

20

A. Any agreement?

21

Q. Is there any written agreement
between your company and my client, executed
after January 2004, pertaining to your
company's entitlement to a commission?

22

23

24

25

A. Sure.

1

2 Q. What is the written agreement?

3

A. More than written agreement.

4

Q. I didn't ask you about more

5

than --

6

A. Cancelled checks with his

7

signature.

8

Q. Sir, we will be here forever.

9

A. No, we won't.

10

Q. We will unless you answer my

11

question.

12

A. I am answering.

13

Q. Is there a written agreement

14

executed by Trump and ALM, on the same page,

15

in which it defines the relationship between

16

ALM and Trump with regard to commissions; yes

17

or no?

18

A. With regard to the 10 percent

19

commission you are talking about?

20

Q. With regard to the 10 percent

21

commission.

22

A. A written agreement?

23

Q. Yes.

24

A. No.

25

Q. In fact -- withdrawn.

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2

You were aware, weren't you, in
September of 2004, that Trump and Marcrafft
had launched a suit line?

4

5

A. I don't remember the date, but I
was aware that they launched a suit line,
yeah.

7

8

Q. If I show you P157, tell me if
that refreshes your memory. Tell me when
you're done.

10

11

(Pause.)

12

A. Yeah.

13

Q. You're done?

14

A. Uh-hum.

15

Q. Does that refresh your
recollection as to whether or not you knew,
at least in September of 2004, that Trump and
Marcrafft had proceeded with a suit line?

16

17

18

19

A. Yes.

20

Q. So you certainly knew in
September of 2004; correct?

21

22

A. Uh-hum, yes.

23

Q. Did you know before September
2004 that a suit line was being promoted by
Marcrafft using the Trump license?

24

25

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2 A. Where was the letter, the famous
3 letter that I did recall? When was it
4 written, the one before?

5 Q. I think it was June, to my
6 recollection, June 8th of 2004.

7 A. So at least at that time I knew
8 because we were referring to the Marcraft
9 here. I am talking about the long letter
10 from George Ross to Jeff Danzer.

11 Q. It's one that's not marked. It's
12 about P90. The question is, in that letter,
13 there was a rumor that Marcraft had been
14 promised?

15 A. Correct.

16 Q. At that point, you didn't know
17 that there was a launch.

18 A. We knew that there was a launch.

19 Q. But you didn't say it in your
20 letter, did you?

21 A. I don't know exactly the word
22 that we said, but it was understood.

23 Q. Why don't you look at it. I
24 don't know that it was understood. Your
25 letter says what it says. Tell me where it

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says that you knew --

A. Here, Jeff is saying, "However, let's call a spade a spade. Sample lines are expensive to produce and showing a line to buyers that you might not be able to sell is a risky venture at best," et cetera, et cetera.

Q. After September of 2004, did you reach out to counsel with respect to the Marcrafft deal? Did you reach out on behalf of ALM to counsel, as a result of what your understanding vis-a-vis Marcrafft and ALM was?

A. I don't recall.

Q. In 2005, did you reach out to counsel?

A. I don't recall.

Q. In 2005, did you even contact the Trump Organization, at all, about the Marcrafft deal?

A. I don't recall.

Q. In 2006, did you contact the Trump Organization, at all, about the Marcrafft deal?

A. I don't recall.

1

2 Q. In 2007, did you contact the
3 Trump Organization, at all, about the
4 Marcraft deal?

5 A. I don't recall.

6 Q. Isn't it true that the first time
7 you contacted the Trump Organization about
8 the Marcraft deal is this 2008 lawsuit?

9 A. No. Here is the letter. Here is
10 the letter on June 8, 2004.

11 Q. Then I will rephrase my question.

12 A. Okay.

13 Q. Did you ever make a demand of
14 Trump for a license fee for the Marcraft deal
15 in 2004?

16 A. No.

17 Q. Did you ever make a demand of
18 Trump for the Marcraft license fee in 2005?

19 A. No.

20 Q. Did you ever make a demand of
21 Trump for the license fee for Marcraft in
22 2006?

23 A. No.

24 Q. Did you ever make a demand of
25 Trump for the license fee for Marcraft in

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2007?

A. No.

Q. And before commencing --

A. Excuse me, I want to say something. If I'm not mistaken, the letter says that we would be entitled to the fees on the Marcrafft deal.

MR. ITKOWITZ: Your letter.

Q. Dated June 8, 2004. I know it said that. Other than the June 8th letter, did you ever make a demand for the fees?

A. No. There is no need to.

Q. You answered no in '05?

A. No.

Q. You answered no in '06 and you answered no in '07.

Now my question is, the first time that you made a demand for those fees was in your lawsuit in 2008; correct?

A. Yes.

MR. GOLDMAN: Let's take a fifteen-minute break. I have 1:20. 1:35, is that all right?

(Recess taken.)

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MR. GOLDMAN: Back on the record.

Would you read back the last question and answer, please.

(Record read.)

Q. Can you tell me why, if you believed in June of 2004 that you were entitled to compensation for the Marcraft line, did you not make a demand of Trump until 2008?

A. We felt that the Trump Organization breached an agreement and there is no rush in making a demand, and when we make a demand, and it doesn't pass, there is the court system.

Q. So that's the only reason why?

A. I don't know if that's the only reason.

Q. What were the other reasons?

A. Those are the reasons that I recall in my head.

Q. Do you recall any other reasons?

A. No.

Q. Tell me, when did you make -- you said if you made a demand and they didn't pay

1

2 it, there is always the court system. When
3 did you make a demand of Mr. Trump or the
4 Trump Organization to pay the Marcraft fee
5 before starting a lawsuit and using the court
6 system?

7 A. I told you that I didn't.

8 Q. You just told me that the reason
9 that you waited until the lawsuit is because
10 you knew that you could always make a demand,
11 and if he didn't pay, then you could use the
12 court system. But here --

13 A. We were in no rush. It was a
14 done deal. He did sign with Marcraft. There
15 was no rush to do it and that's it.

16 Q. So when you said before that you
17 knew that you could always ask him for it and
18 if he didn't pay then use the -- I think you
19 said court system, here you never asked him
20 first before using the court system in 2008;
21 is that not --

22 A. Because he already breached
23 before that, so now was the best time; since
24 the relationship is going sour, it's the best
25 time to consolidate everything.

1

2 Q. If you can, turn to P168, which
3 is your e-mail -- I'm sorry, which is an
4 e-mail from you and Jeff to Mr. -- I believe
5 it says George. I believe it's George Ross.
6 If you look at the bottom where it says,
7 "Dear George," do you see that?

8 A. Yeah.

9 Q. If you turn the page, it then
10 says, "Sincerely, Jeff Danzer and Mark
11 Hager." Do you see that?

12 A. Yes.

13 Q. That explains the understanding
14 that Mr. Danzer -- if you read it, "Please
15 advise if that explains the understanding, if
16 that's what the arrangement was in August of
17 2004."

18 A. The whole thing?

19 Q. "Dear George," at the bottom, and
20 it goes on to, "Sincerely."

21 A. Right; right.

22 MR. ITKOWITZ: What's the
23 question again?

24 MR. GOLDMAN: There was no
25 question.

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MR. ITKOWITZ: You just asked him
to read that.

MR. GOLDMAN: Yes.

Q. Does that accurately -- in your
opinion, does that accurately reflect what
the understanding was between ALM and the
Trump Organization in August 2004?

MR. ITKOWITZ: Objection as to
the form.

MR. GOLDMAN: Okay.

A. Regarding PVH, yes.

Q. The alleged extension that -- the
August 2004 extension in which there is no
writing, but -- that only pertains to the PVH
deal, that didn't pertain to the Marcrafft
deal; correct?

A. Correct.

Q. And the August 2004 extension
or -- withdrawn.

The August 2004 agreement didn't
preclude Trump from bringing any deals on its
own; correct?

MR. ITKOWITZ: Objection. Calls
for a legal conclusion.

1

2 A. The August what?

2

3

Q. The agreement between Trump and

4

ALM in August 2004.

5

A. Regarding PVH?

6

Q. It only regards PVH. It has

7

nothing to do with --

8

A. Where we are mentioning

9

10 percent?

10

Q. Yes.

11

A. Only PVH.

12

Q. Therefore, it has nothing to do

13

with any deals that Trump would be doing on

14

its own; correct?

15

A. Right. Only talking about PVH.

16

Q. Are you making any claims in this

17

lawsuit against my client regarding the Coty,

18

C-O-T-Y, deal?

19

A. Did we make any claim?

20

Q. For damages in regards to the

21

Coty deal. Do you know what I mean by "the

22

Coty deal"?

23

A. Yes, I believe so. Could I check

24

it?

25

Q. Here is the Amended Complaint.

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MR. ITKOWITZ: I object. It's calling for a legal conclusion.

MR. GOLDMAN: It's not a legal conclusion. It's a fact when he is suing my client regarding the Coty deal.

Q. Did you sue my client with respect to the Coty deal?

THE WITNESS: Do you know where it's mentioned, the Coty deal?

A. Do you know where it's mentioned?

Q. I don't believe -- it's not mentioned at all. I am not testifying. It's your Complaint. You look at it. You signed it.

Can I see that copy, by the way, because it has my notes?

MR. ITKOWITZ: I am trying to expedite this.

MR. GOLDMAN: Off the record.

(Discussion held off the record.)

MR. GOLDMAN: Back on the record.

A. If you know that it mentions Coty, where would it be?

MR. ITKOWITZ: I don't know where

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Coty is.

MR. GOLDMAN: Off the record.

(Discussion held off the record.)

MR. GOLDMAN: Back on the record.

Just for the record, so we don't waste a lot of time, this is more for attorneys than it is for you. It's my understanding the issue here is Marcraft and PVH. I don't believe anything was raised in the Complaint regarding Coty, and it's my understanding that Coty is not an apparel manufacturer and was a fragrance manufacturer anyway.

I am not going to waste time going through the documents that were produced because I don't believe that's the issue here. If that changes along the line before we go to trial, I want to reserve my right.

Let's continue.

Q. If you could, go to Plaintiff's Response to Defendant's First Notice. It would be P457.

MR. ITKOWITZ: 457?

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MR. GOLDMAN: Yes.

MR. ITKOWITZ: Did we get this mixed up?

MR. GOLDMAN: I think you broke it in clips, so in those clipped pages, it probably goes on.

MR. ITKOWITZ: Okay. I just want to keep this in order.

A. Okay.

Q. You see there is an e-mail from Mr. Danzer to Ms. Kathy Glosser, dated August 23, 2005 at the very top? There is a reference in the second line, which is the first sentence about: Having Mark's attorney draw something up. Do you see that, but you were on vacation?

A. Let me read it.

(Pause.)

A. Yes.

Q. Mark's attorney, was that Mr. Scharf?

A. Yes.

Q. Did you ever ask Mr. Scharf to draw something up, to use the language in

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the --

MR. ITKOWITZ: I am going to object. That's attorney-client privilege.

MR. GOLDMAN: I didn't ask what he said. I asked if he ever asked him.

MR. ITKOWITZ: Oh, okay.

A. I don't recall.

MR. GOLDMAN: Off the record.

(Discussion held off the record.)

MR. GOLDMAN: Back on the record.

Q. If you can --

MR. GOLDMAN: Give him the Response to Defendant's First Set of Interrogatories.

(Handed.)

Q. If you can, turn to page 14 -- I'm sorry, page 17, Interrogatory 14, okay?

In Interrogatory 14, you were asked to identify all instances in which your company demanded that defendant provide letters of introduction/authorization as alleged in paragraph 55 of the Complaint.

In response, you reference -- you say, correct me if I'm wrong, that from

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2 September of '03 through June of '04 would be
3 including but not limited to plaintiff's
4 letter dated June 8, 2004. Do you see that?

5 A. Yeah.

6 Q. And we talked about the
7 September 8th -- we talked about the
8 June 8th, 2004 letter; correct?

9 A. The June is the long letter?

10 Q. Yes, sir.

11 A. Yes, sir.

12 Q. Where it says the spirit of
13 exclusivity.

14 A. Right.

15 Q. Other than that, you were not
16 able to find or recall, when you executed
17 this document last month, any other instances
18 responsive to that question?

19 A. I don't recall any.

20 Q. Okay, fine.

21 If you can turn to page 18,
22 Interrogatory 18, why don't you read the
23 question that was asked of you.

24 (Pause.)

25 A. Okay.

1

2 Q. Did you understand that question
3 before answering it?

4

A. Yes.

5

6 Q. Okay. Why don't you look at your
7 answer, which is right below.

8

A. Uh-hum.

9

Q. What is the --

10

A. Wait, let me read it.

11

Q. I thought you said uh-hum.

12

A. I said uh-hum, that I found it.

13

(Pause.)

14

A. Yeah.

15

16 Q. Can you explain to me your
17 answer, because I don't understand it?

18

19 A. Okay. First of all, we said had
20 the Trump Organization not gone behind our
21 back and sabotaged us, bringing Peerless to
22 the table, and since Peerless was very
23 interested but did not want to go into a deal
24 since they know that the fact that there is
25 somebody else who has the deal --

26

Q. That obviously being Marcraft?

27

28 A. Being Marcraft -- had that not
29 happened, Peerless was very, very serious

1

2 into entering into a deal. Peerless is one
3 of the major players in the industry. By the
4 shear size, that alone would have enhanced
5 the licensing fees that Trump would have
6 generated from this deal with our involvement
7 in the deal.

8 Q. Since you had never done this
9 before, how do you know that?

10 A. I know the industry. I know who
11 Peerless is.

12 Q. I know you know Peerless. We can
13 agree to disagree about the quality of
14 Peerless versus Marcraft.

15 Putting that aside, having never
16 been a broker on behalf of a licensor, how do
17 you know what the Marcraft generated numbers
18 would have been versus the Peerless generated
19 numbers?

20 A. I have knowledge of the industry.
21 I had knowledge who Marcraft is. I had
22 knowledge who Peerless is. I have common
23 sense and business experience. I have done a
24 lot of deals, not necessarily licensing, and
25 I see a potential in most cases when there is

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a real potential.

Q. What was the potential here?

A. The potential was that Peerless was very interested.

Q. When you say "very interested," we had just gone through the communications between Peerless and your company; correct, earlier? They wanted to meet with Mr. Trump, didn't they?

A. Correct.

Q. And Mr. Ross told you that: We were not going to meet, "we" being the collective Trump, Trump Organization, unless they put together a financial proposal first; correct?

A. Correct.

Q. Given the nature of the interest that you believe they had, do you have any recollection that that strong interest resulted in them putting together, ever, a written financial proposal?

A. Just the opposite. That confirmed to us and to Peerless that it's all baloney.

1

2 Q. I didn't ask you --

3

A. In other words, that Trump is not
4 interested in pursuing the deal with Peerless
5 since they did a deal with Marcraft.

6

Q. My question was -- I appreciate
7 the gratuitous response, but my question was
8 did they ever put together a financial
9 proposal, yes or no?

10

A. No.

11

Q. And it's your opinion that the
12 reason they didn't is because of the Marcraft
13 deal?

14

A. Absolutely.

15

Q. And it's your opinion that by
16 Trump asking for a financial deal first, that
17 showed that they weren't interested?

18

A. Absolutely.

19

Q. Aren't you aware that when your
20 company was pitching Coty to the Trump
21 Organization, they would not meet with Coty
22 until they saw financial proposals?

23

A. Absolutely. For the same reason,
24 because they had another deal boiling with
25 somebody else. At least that's what they

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told us. But with PVH, they didn't ask for a deal up front.

Q. Wasn't that their first licensing deal?

A. Through us, yes.

Q. That was their license deal before that, through the Trump Organization; right?

A. Yet.

Q. Wasn't that the first apparel deal until --

A. Yes.

Q. Had they done an apparel deal before you?

A. I don't know.

Q. You have no idea whether they had done an apparel license before you entered into an apparel licensing agreement with Trump?

A. I knew that they had something in the golf area. Whether there was a licensing deal or not I don't know. We were excluded from this area.

They had, from their point of

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view, some knowledgeable people in the licensing deal and they did not ask PVH for anything up front. They were very anxious to pursue the deal.

Q. Who are all the knowledgeable people that you understood that were at the Trump Organization at the time the PVH deal was --

A. Kathy Glosser.

Q. Do you know when she started at the Trump Organization?

A. No, but she was there when the PVH deal was happening.

Q. She was there when the PVH deal had already been agreed to?

A. Correct.

Q. Right. She wasn't there when the initial discussions took place?

A. Could very well be.

Q. What if I told you she didn't actually get involved in the PVH deal until early September, late August of 2004?

A. I don't know exactly when she started, but if you know the dates, you know

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the dates better than me. I don't know
officially when she started.

George Ross presented himself as
a very knowledgeable person in licensing. He
did licensing in vodka, everything. He was
the expert.

Q. He was the expert?

A. He was playing to be the expert.
He was with PVH from the very beginning.

Q. And what was ALM?

A. What was ALM as far as what?

Q. Did they have any experience in
this?

A. In the licensing deal?

Q. Yes.

A. In licensing, absolutely.

Q. But they didn't have any
experience in representing licensors?

A. Right.

Q. Did you tell Mr. Trump that you
had no experience -- when I say "you,"
anybody at ALM, did anybody at ALM tell
Mr. Trump that your company had no experience
representing licensors?

1

A. I don't recall.

2

3

Q. Did anybody from your company
tell Mr. Ross that you had zero experience
representing licensors?

4

5

6

A. I don't recall.

7

Q. Did anybody from your company
ever tell anybody at the Trump Organization
that you had zero experience representing
licensors?

8

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10

11

A. Again, I don't recall.

12

Q. Did you ever tell Mr. Trump that
you had zero experience, "you" being ALM, had
zero experience representing licensors?

13

14

15

A. Again, didn't you ask me and I
said I don't know.

16

17

Q. I said the company, now I am
asking you, personally.

18

19

A. Am I not part of the company? Am
I not part of the company? You said to me
before --

20

21

22

MR. ITKOWITZ: Don't argue with
him.

23

24

A. No, no. You don't want to stay
here till Monday; right?

25

1

2 Q. I am here no matter what. This
3 is my office, so, quite frankly...

4

A. Go ahead.

5

6 Q. It's your basis for your claim
7 that they had no intention on doing a deal
8 with Peerless because they asked for
9 financial numbers first?

9

A. That was one of the reasons,
10 yeah.

10

11

12 Q. What was the -- was that the
13 primary reason or just one of the reasons?

13

A. They had no interest in
14 pursuing --

14

15

16 Q. I didn't ask you that. Just
17 answer my question.

17

A. Repeat the question.

18

19 Q. Was that the primary reason or a
20 reason?

19

20

A. Primary reason for what, again?

21

22 Q. For your belief that Trump did
23 not want to seriously proceed with Peerless.

23

A. Yes.

24

25 Q. That was the primary reason?

25

A. Yes.

1

2 Q. Were there other reasons other
3 than the primary reason, yes or no?

4 A. I don't recall.

5 Q. But you do recall that being the
6 primary reason?

7 A. Uh-hum.

8 Q. So it's your belief that the
9 primary reason Trump did not want to really
10 do the deal with Peerless is because they
11 asked for financial information about what it
12 is that they will get out of it first?

13 A. This was one of the steps in not
14 really --

15 Q. That was not the question. That
16 was the primary reason?

17 A. Right, primary reasons.

18 Q. You didn't recall the other
19 reasons?

20 A. Right.

21 Q. The primary reason that they
22 didn't want to do the Peerless deal is
23 because what they asked for, financially, is
24 what Trump gets out of it?

25 A. That was an indication.

1

2 Q. That was an indication?

3 A. Yes.

4 Q. Were there any other --

5 A. To confirm what we heard in the
6 market.

7 Q. You had heard in the market they
8 were already doing Marcraft?

9 A. Marcraft.

10 Q. Separate and apart from what you
11 heard in the market, them asking what is the
12 financial terms that will benefit Trump is an
13 indication that they don't want to do the
14 deal?

15 A. Correct.

16 Q. So in your vast experience of
17 thirty years in the apparel business and your
18 license experience, which consists of
19 representing Nelly and two other people,
20 people don't ask what is it -- what am I
21 going to get out of the deal before I sit
22 down with you?

23 A. Everything is relative.

24 Q. So the question is: They do ask
25 or they don't ask?

1

A. May I? May I?

2

3

MR. ITKOWITZ: No, you said everything is relative. If he wants to ask you another question, he will do it. That's his job.

4

5

6

7

Q. So your answer to my question is everything is relative. Relative to what?

8

9

A. Meaning if he was a small potential licensee, there is nothing wrong with them asking what do they want, what do they want to pay.

10

11

12

13

But when we indicated to them about Peerless, that they are one of the major players, and because of Peerless not taking Trump seriously, they wanted to have face-to-face meetings, even after they got the letter that there is no deal, they did not want to go through the trials and tribulations of a fruitless exercise utility coming with a proposal when they didn't believe that the Trump Organization was serious.

14

15

16

17

18

19

20

21

22

23

24

That's why they say if Trump is serious, let's meet.

25

1

2 Q. Where do they say that?

2

3

A. To us.

4

Q. Is it in any writings anywhere?

5

A. I don't recall.

6

Q. And were you directly involved in

7

the Peerless negotiations?

8

A. I was in a few meetings, at least

9

in one meeting.

10

Q. How many meetings were there? I

11

know you attended one.

12

A. Quite a few.

13

Q. What were you and Peerless

14

talking about if you thought the deal was

15

dead with Trump with all these meetings?

16

A. The first meeting that I recall

17

was the first meeting.

18

Q. The first meeting you recall was

19

the first meeting?

20

A. The first meeting that I was with

21

Jeff Danzer, and I think, again, her first

22

name is Cheryl, David Scharf's wife, it was

23

the three of us, and Mr. Wurtzburger, the guy

24

from Peerless says, "I don't know why you

25

guys are here."

1

2

3

4

5

6

I think he even said, "The reason I took the meeting, because Jeff, because of your credibility in the market, but really the Trump did a deal and there is a deal with Marcrafft."

7

8

Q. So that was at the very first meeting?

9

10

A. Correct. And we were totally, totally shocked. We said it can't be.

11

12

13

14

Then when we left the meeting, I still did not believe it, and the decision was to approach Trump and ask him what's the story. That was the first meeting.

15

16

17

18

Q. Why, if that was the result and conversation of the first meeting, why did you bother and sit down with Peerless at a second meeting?

19

20

21

22

23

A. Because we assured them, after Donald Trump, after George Ross told us there is no deal and gave us the letter, at that time we kind of felt that maybe he is sincere that there is really no deal.

24

25

Q. So you sent that letter to Ronni; right?

1

2 A. Yes.

2

3

Q. You sent that in April?

4

A. I believe there was at least

5

another meeting. I don't know if I attended

6

but I know that Jeff attended a meeting.

7

Q. To talk about what?

8

A. To talk about there is no deal.

9

Q. You had already sent that to

10

them, that there was no deal, with Marcrafft?

11

A. No, no. Whether they were sent

12

or Jeff called, I don't remember. We had a

13

meeting, a second meeting with Ron conveying

14

to him that, A, we are the exclusive license,

15

B, there is no deal with anybody else, go

16

ahead.

17

Q. But you would have done that

18

after George wrote the April 1st, 2004

19

letter?

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